

KIRTLAND CITY COUNCIL MINUTES

June 21, 2021

The meeting of Kirtland City Council was called to order at 7:04 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, Matthew Schulz and Joseph Smolic. Absent: Jeffrey Ruple and Kelly Wolfe.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Assistant Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Sergeant Jamey Fisher and Fire Chief Anthony Hutton.

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Council President Lowery advised that he would entertain a motion to suspend Council rules for a special presentation. Mr. Schulz so moved, and Mr. Lesnick seconded. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

PRESENTATION OF “OFFICER OF THE YEAR” AWARD

Sergeant Fisher advised that Kirtland Police Department fosters and maintains an award program, extending official recognition to a member who performs acts of meritorious service, or who accomplishes outstanding achievements. Kirtland Police Department likes to publicly recognize individuals who achieve this award.

This award is presented to the officer who exhibits qualities that best illustrate to other officers and the public at large a high degree of professionalism. To be considered for the award, an officer must be nominated by peers and/or a direct supervisor. There can be no disciplinary record for the entire year, and there must be above-average evaluations. Sergeant Fisher noted that for the year 2020, Officer Petric not only met, but exceeded, the criteria.

Sergeant Fisher stated that Officer Petric came to the Kirtland Police Department via a lateral transfer after working six years for Lake Metroparks as a Ranger, beginning his full-time employment with the City of Kirtland on April 1, 2018. In the short time he has been with the Department, Officer Petric has accomplished quite a bit, including completion of the National Computer Forensic Examination Training through the Secret Service. He also overhauled the property and evidence room with the assistance of Patrolman Megyesi, reducing 8,000 pieces of evidence to 800 pieces, and implemented an automated barcoding system. Officer Petric is instrumental in the success of the Police Department's social media presence, and he partnered with Lake County through the SCRAM (Security Camera Registry and Mapping) Program, which is a vital tool for the Police Department.

Officer Petric has become a mentor to the younger officers and a fixture as a core member of the Kirtland Police Department, consistently rating as one of the more productive officers in the Department.

Sergeant Fisher presented Officer Petric with the 2020 Officer of the Year award. His wife, Lindsey, and two daughters, Brooke and Harper, were in attendance. He was congratulated by all in attendance for his accomplishment.

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PUBLIC HEARING**Tax Budget for Fiscal Year 2022**

Mayor Potter requested the legislation be passed this evening. Mr. Slapnicker agreed, stating the earlier it can be filed with the County would be better.

Council President Lowery opened the public hearing at 7:14 p.m. for comments and questions from the public. There were no public comments, and Council President Lowery closed the public hearing at 7:15 p.m.

MINUTES OF THE JUNE 7, 2021 COUNCIL 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 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton reported today was a busy morning due to the storm, with the Department responding to 18 calls, most before 10:00 a.m. As usual, all departments worked very well together -- Police, Fire, and Service.

The diesel exhaust system is installed and working very well.

Chief Hutton said two of the part-time younger firefighters passed their paramedic tests, and two more are scheduled to take the test shortly.

Answering Councilman Smolic, Chief Hutton said his Department did not have to put any generators out at residences. There are still a few localized power outages, but nothing widespread.

Councilman Schulz said he reached out to Wendy Zele at First Energy to let her know prior to today's storm there were comments on social media regarding a lot of power outages. He noted he requested an update on the Newport station upgrade of the transformer, to make sure it's still on schedule for July or August. She is on vacation until the 28th, and he hopes to hear back from her before Council goes on recess. Mayor Potter advised that it is on First Energy's service calendar for the month of July. Discussion ensued concerning downed tree branches, transistors, and power outages and failures.

Sergeant Jamey Fisher congratulated Officer Petric again for a job well done. He recognized Officer Null and Officer Megyesi, along with Firefighters Swope, Hopkins and Bode for saving a lady's life recently.

Sergeant Fisher advised that Wonderstruck is getting bigger; the concert is scheduled for July 24 and 25 at Lakeland Community College. Kirtland will be affected by traffic-related issues and possibly noise complaints. Safety and security is being addressed by Sergeant Fisher and Chief Hutton.

Service Director Joseph Fornaro reiterated Chief Hutton's sentiments on how well the departments work together. He pointed out that dispatch also did a great job today. The day was challenging, with trees down, wires down, and drainage issues; he thanked all the departments for working so well together.

Mr. Fornaro stated that he and Mr. Courtney have been addressing drainage issues, with a few more added to the list as they came up today.

DEPARTMENT REPORTS (continued):

Council President Lowery said he's impressed with the good job the service department did on the painting for Safety Town.

Councilman Schulz thanked Mr. Fornaro for his quick response in getting to the trees that had been tagged, marked, and taken down. Responding to Mr. Schulz regarding another property, Mr. Fornaro stated that the Service Department will be taking the tree down.

Mr. Schulz asked if there have been any issues with the recent installations made during the drainage contract a year ago, to which Mr. Fornaro said there have been no issues reported. Mr. Schulz said he received a concern from a resident on Gateside Trail, noting there is a sharp turn in the road and a blind spot where the grass grows high. Mr. Fornaro noted he has been unable to get in touch with the landowner, so the Service Department has been mowing that grass and keeping an eye on it.

Concerning the list for patching, Mr. Schulz asked if anything has been determined on the maintenance and rehabilitation. He said Crary Lane and Far-Bar Road are rough. Mr. Fornaro said it is being reviewed, and a couple areas have been identified.

Councilman Lesnick said a couple residents have asked who is responsible for the ditches, trees, and high grasses of the houses placed on the corner of two main streets. Mr. Fornaro said line of sight in the right-of-way is the City's responsibility, and residents who see an area that needs attention should fill out the form on the City website.

Mr. Schulz inquired about the length of time there will be a detour for the bridge replacement. Mr. Fornaro advised he will have to get back to him.

City Engineer Douglas Courtney reported Old Town Sewer improvements are designed and moving forward, with field surveying 90 percent complete. Sub-surface exploration is scheduled to begin on June 28. There will be 18 soil borings taken from the neighborhood, and work is expected to last two to three days. Traffic will be managed with cones; work hours for the project will be 8:00 a.m. to 5:00 p.m.

Mr. Courtney said Resolution 21-R-38 relating to the Street Rehabilitation and Maintenance Program is on the agenda tonight and he will discuss the specifics when it comes up on the agenda.

The revised plans for the renovation of the Smith House and Store were discussed at the June 14 Planning and Zoning meeting. The project remains under revision and review, based on some Planning and Zoning comments.

Councilman Lesnick said he does not see that the website or calendar has been updated with any news on the schedule for paving. He suggested making announcements at least a few days in advance, posting on the website and possibly on Facebook. Mr. Courtney explained once the contract is in place, a schedule of materials will be requested from the contractor. Once that has been received, dates can be published regarding roads that will be affected. It was noted that updates can be provided on the website and on social media regarding progress of the project.

Answering Councilman Schulz, Mr. Courtney stated he does not have a schedule yet for Charlesderry, noting there has been discussion of transferring that work to Specialized Construction.

Answering Mr. Schulz, Mr. Courtney stated there are no updates on the Cocca project, Tall Oaks or Parks Farm Subdivision. Mr. Fornaro stated the sidewalk and apron at the Cocca property has been done.

Assistant Finance Director Louis Slapnick advised the May 2021 financial end of month reports were distributed this afternoon and have been posted to the website.

DEPARTMENT REPORTS (continued):

The tax budget is on the agenda tonight for second reading. Mr. Slapnicker advised there was a revision, and Mrs. Kovalchik sent a memo with an explanation for the revision. The Finance Department requests the legislation be passed tonight, to be filed with the County as soon as possible.

Responding to Councilman Lesnick's question on whether Council should pay special attention to anything in the reports, Mr. Slapnicker pointed out the income tax is where it should be based on budget revenue.

Mr. Lesnick asked Mr. Slapnicker to reiterate the process and purpose of the vote on the tax budget for tonight's agenda. Mr. Slapnicker stated it is required by Ohio tax code. The City must prepare and submit a tax budget to the county auditor, so property tax rates can be set for next year. The budget is also used to set property tax and government revenues for the City for 2022. There are no appropriations included in the proposed resolution.

Law Director Matthew Lallo advised that for the next meeting he expects to present to Council one of the collective bargaining agreements he's been negotiating; it would extend the agreement for two years.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter congratulated Officer Petric on being awarded Officer of the Year for 2020; he spoke of his affable character and noted he is helpful to residents and does a great job.

Two of the local churches, Divine Word and the LDS Church, donated more than half of the funding needed to place the flower baskets along State Route 306. Mayor Potter thanked those organizations for their charity, and thanked the Service Department for keeping the baskets watered.

This past Saturday 40 volunteers from City Council, local churches, the Kiwanis, and other civic organizations got together for a residential cleanup program. The group weeded, mulched, edged, and cleared branches on 10 local properties. Some of the properties were nominated by local residents or groups, and others were included at the request of the resident. The Monday following the cleanup the Service Department went to the residences to pick up branches for mulching. Mayor Potter thanked all involved, noting that this program will continue the second Saturday of every month, except in the month of July.

Mayor Potter stated that the LDS 5k run will be held July 10, noting that many volunteers will be needed to help along the marathon route.

Mayor Potter noted that John Bodmer's memorial service was held at the Recreation Park on Saturday. More than 80 residents and Kiwanis members were in attendance to celebrate the life of Mr. Bodmer, who served to benefit the City for well over 40 years. Mayor Potter thanked Councilman Smolic and Frank Lyon from the Kiwanis, and the Service Department for helping to coordinate the service. The pavilion at the Recreation Park was dedicated to Mr. Bodmer during the service.

Mayor Potter announced Safety Town has been set up behind City Hall. The Service Department cleaned and painted the buildings and fixed the traffic light. Mayor Potter's wife, Jeni Potter, is leading the program, which is 100 percent volunteer driven. There are 60 students and 35 volunteers, mostly high school students, available every day to assist in that effort. Mayor Potter thanked all those who have volunteered their time and energy to the program, including Mrs. Potter who has spent countless hours organizing and recruiting volunteers. He thanked the Police, Fire and Service Departments for all their help.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor noted there were over 600 responses to the community-wide surveys, and analytics will be processed and published in the coming weeks. Mayor Potter thanked Councilman Lesnick, Teresa Szary, Sonja Parker, and Jim Schleicher for the work they put into making the survey a success.

Wednesday, June 30 will be City Night at City Hall from 6:00 p.m. to 8:00 p.m. Volunteers are needed to help with food preparation. The City will be working in conjunction with the Friends of the Library, and the Chardon Polka Band will perform. Local businesses will be on hand to discuss the services they offer.

Excavation for the pickleball court will begin soon. The City is still awaiting a few more prices for paving, and Mr. Fornaro is handling the construction schedule.

Mayor Potter advised that during the Public Comments on Matters Not on the Agenda portion of the meeting, Brian Scotese from Lighthouse Sciences will speak concerning medical marijuana and his company's potential interest in Kirtland.

Mayor Potter mentioned that the NOPEC legislation is on second reading on tonight's agenda and confirmed with Mr. Fornaro that it will need to be passed so it can be submitted by the end of the month. Also, Dr. Irene Druzina is in attendance to speak about her re-appointment as Kirtland's liaison to the Lake County Board of Health. He noted that the tax budget and the road paving legislation are also on the agenda.

Mayor Potter advised that Lance Nosse has submitted his resignation, effective July 2, 2021, and the City will begin the process of looking for a new Police Chief.

Council President Lowery said there has been a lot of work put into the website, to make sure the community has access to happenings in the city. He voiced support for the upcoming events and projects, and hopes they will be added to the calendar on the website.

There was discussion regarding the transition from Zoom meetings to in-person meetings. Mayor Potter noted that Zoom has been used during both in-person June meetings for residents to view and hear the meetings, and he opened the discussion to Council members on whether or not to continue using Zoom to broadcast future Council meetings; five residents are viewing the meeting live tonight.

Responding to Council President Lowery, Mr. Lallo stated the in-person open meetings afford the public an opportunity to hear what is happening in the meeting. He stated there is no legal requirement that it be live-streamed. Discussion ensued concerning audio equipment for live-streaming, including the expense. Council agreed to continue using Zoom for the next two meetings before Council's recess, noting that the subject will be revisited after the recess.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

Council President Lowery advised that a certified letter was received from Aqua Ohio, which has been distributed to Council, relating to a proposed rate hike for 2022.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sharon Vyskocil, 8415 North Locust Drive, asked how to submit a property for the neighborhood yard cleanup program. Mayor Potter asked Mrs. Vyskocil to email him and Teresa Szary to request that a property be added to the list for the next work day. Mrs. Vyskocil also asked if "Coffee with Council" will return. Councilman Smolic stated that it will hopefully start again in mid to late July.

Brian Scotese, CEO of Lighthouse Sciences, addressed Council, noting that Lighthouse Sciences is a medical marijuana processing plant in Eastlake, Ohio. Mr. Scotese is asking the City of Kirtland to consider a medical marijuana dispensary in the community.

Mr. Scotese explained that medical marijuana dispensaries require a prescription from a doctor, diagnosing the patient with one of the 21 ailments approved in the state of Ohio. Medical marijuana dispensaries are highly regulated, secure, and there is not open access to the public. The door to the dispensary remains locked, and patients have to be admitted into the facility. He noted that only patients with cards are able to enter the dispensary, and once in the facility there are three security checks that must be performed.

Mr. Scotese stated that the medical marijuana industry is the fastest growing industry in the United States, projected to be \$57 billion by 2027. This industry is growing throughout the United States and the world, due to the medical benefits; there is a holistic move in society, looking for alternatives to traditional medicines, and medical marijuana is an option.

Mr. Scotese explained the supply chain, noting that the plants are grown in a cultivation plant. One of the largest plants, Buckeye Relief, is located in Eastlake. Once the plants are grown, processors extract the medicine from the plants and make products for the dispensary.

Noting that dispensaries are required to adhere to regulations and securities, Mr. Scotese stated that for their newest facility, they have invested \$35,000 in a bank-certified safe to store the product, which includes a professional combination mechanism to prevent break-ins. In addition, the company has spent \$100,000 on a security system and cameras that are connected to the State Department of Congress and the Board of Pharmacy. Both of these Departments regulate the medical marijuana facilities, and have complete access to view the business at any given time.

Mr. Scotese stated that the product is transported in secure vehicles equipped with GPS and camera systems. Before product is transported from a processing plant to a dispensary, the company is required to log with the Department of Congress the delivery route, inventory of products being delivered, and time of departure. The delivery is tracked through the GPS system on the vehicle.

Mr. Scotese said he's spoken to a number of City Councils, and the typical concerns voiced are safety and crime. He advised that he is not aware of any additional crime that has occurred in the State of Ohio as a result of the opening of dispensaries and medical marijuana businesses. Mr. Scotese credits this to the industry being highly regulated and secure. He noted that Buckeye Relief has been in Eastlake for a little over two years, with no reported problems. The business is a good corporate citizen and contributes to the community. Mr. Scotese noted that statistics dispel the fear of criminal activity increasing when these type of businesses move into a community. Noting that there is a dispensary in the City of Wickliffe, Mr. Scotese suggested Council speak with Mayor Barbish concerning the City's experience.

Mr. Scotese asked the City to consider his proposal. He noted he lived here 21 years and raised his children here; he believes Kirtland to be a good community. He has witnessed the struggle to bring in and keep new business in the City. He believes dispensaries are viable businesses, good corporate citizens and would benefit medical patients and the City of Kirtland.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Mayor Potter inquired about the expected annual payroll. Mr. Scotese estimated it at close to \$1 million, and employees are paid via ACH. Answering Councilman Smolic, Mr. Scotese said cash and credit card is accepted at the dispensaries. Concerning other dispensaries in the area, Mr. Scotese stated there is one located in Painesville and one in Wickliffe.

Noting that pharmacies determine where to build a store by looking at data such as geographics, volume, census, and traffic, Council President Lowery inquired about the interest in Kirtland for a dispensary location. Mr. Scotese responded that the location is good, noting that the state looks at statistics regarding how far someone has to drive to fill a prescription, and one complaint is the dispensaries are too far away.

Answering Councilman Smolic, Mr. Scotese stated that products available for patients would be suppositories, patches, and edibles. He noted they are working on other innovative products that will be used to deliver the medicine to the patient's body. He noted that the industry is evolving quite a bit, and these products would comply with all regulations.

Concerning traditional medicine prescriptions vs. holistic medicine prescriptions, including medical marijuana, Mr. Scotese explained there has been a push for more holistic medicines. Through studies and research, doctors have found holistic medicines are more in tune with the body and healing, while being less invasive to the body. Therefore, there has been an increase in the number of prescriptions written for holistic type medicines. He went on to say the program in Ohio has sold \$441 million of product in the past two years, and has had such growth that 73 new dispensaries are being opened. This opens an opportunity for cities that may not be available again. Mr. Scotese said Ohio is a limited license state, which means there will be only a certain number of licenses issued. He stated there will be no more processing licenses issued, but due to the distance patients have to drive to fill their prescriptions, the state is offering 73 more licenses for dispensaries. Once those licenses have been issued, there will not be another opportunity in the medical marijuana program.

Responding to Councilman Lesnick regarding the growing and cultivating licenses, Mr. Scotese stated the location and the amount of land available are concerns when opening those types of facilities. A grower requires a larger facility, and some cities don't have that type of zoning or space available. A dispensary is smaller at 2,000 to 3,000 square feet on average, which can fit into more available spaces in the city. Employee numbers are larger in a cultivating or growing facility, with over 100 people working at the Buckeye facility.

Responding to Councilman Haymer, Mr. Scotese said the dispensary could be freestanding or inside a building. A number of dispensaries are located in office buildings.

Responding to Council President Lowery concerning the face of the building, Mr. Scotese said the State of Ohio strictly regulates aesthetics and marketing. All marketing has to be approved, and the state does not want it "in the face" of the community, as many communities are still adjusting to the idea of medical marijuana. This is due to lack of knowledge of how the business is operated and what the program entails.

Answering Councilman Haymer, Mr. Scotese said 33 out of the 50 states have legalized marijuana for recreational use, and the Government recognizes the tax revenue opportunity marijuana presents. Mr. Scotese expects Ohio will legalize recreational use in the next two to three years. He stated that recreational marijuana dispensaries are held to separate rules and regulations than the medical dispensaries.

Answering Councilman Schulz regarding the \$1 million payroll, Mr. Scotese stated it would be with the expectation the business would be open 7 days a week, 12 hours a day. Depending on the city, the dispensaries may be closed on Sundays. In a 2,000 to 3,000 square foot facility, there would be approximately 12 to 14 employees.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Responding to Councilman Smolic, Mr. Scotese explained there would not be product on display. In the state of Ohio, the patient is checked in at the door, showing their license and card. Then the patient is escorted to the back through a locked door and given a menu to make a selection. Prescriptions are filled by someone behind the locked door. The patient shows their card one more time and pays for their product when it is brought out from the secured area.

Council President Lowery asked about the employment process and requirements. Mr. Scotese said all employees, regardless of position in the company, are required to pass a federal and state background check before the dispensary license is issued. The certification is repeated annually. All investors are also required to pass a federal and state background check.

Answering Councilman Schulz, Mr. Scotese stated that dispensaries are required to be 500 feet from schools, churches, libraries, and public parks, which makes finding a location more difficult in Kirtland. He noted there is an area on State Route 6 that would qualify for a dispensary. Mr. Scotese went on to say location is really determined by the City, along with following the state restrictions.

Explaining the application process, Mr. Scotese stated there is a questionnaire to be filled out and an application must be submitted, listing the management team. The management team for Lighthouse Sciences are experienced in cannabis. The next step in the application process is a review of the financial strength and the security plan. Once these items have been approved, in the Ohio market it is expected that each license applicant will be placed into a lottery and licenses will be issued by the lottery. He noted that rules are expected in the next 30 days; this is the expected process.

Mr. Lallo said the City of Kirtland's Ordinance 16-O-42, passed on 11/21/2016, (Section 624.17) makes it unlawful to cultivate, process, or distribute marijuana. Mr. Scotese said a lot of cities had passed similar ordinances, as no one knew what to expect. He noted that a lot of cities are taking the moratoriums down now that there is a track record.

Answering Councilman Smolic, Mr. Scotese stated that while regulations are at the state level, the Kirtland Police Department would be contacted and work in cooperation with the state authorities regarding any criminal activities. He noted that the dispensary falls under the jurisdiction of local law enforcement.

Responding to Councilman Smolic, Sergeant Fisher said he does not have any experience with these types of businesses, but would be able to reach out to neighboring departments for information concerning investigation expectations.

Mayor Potter inquired if the company would be open to an additional \$5,000 to \$10,000 annual offering to the City for a special fund, such as parks and recreation, services, police equipment, etc. Mr. Scotese responded affirmatively, saying such funding is already incorporated into their budget. He stated that part of being a good corporate citizen is education and contributing to the community.

Mr. Scotese thanked everyone for the opportunity to speak.

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

None.

OLD BUSINESS (continued):

- RESOLUTION NO. 21-R-32** - (Second Reading) - A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2021 ENERGIZED COMMUNITY GRANT(S) FUNDS, 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. Lesnick. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

- RESOLUTION NO. 21-R-33** - (Second Reading) - 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 Second Reading.

- RESOLUTION NO. 21-R-34** - (Second Reading) - 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.

Dr. Irene Druzina of 10327 Christina Drive, thanked Council for allowing her to represent the City of Kirtland. She was appointed December 2019, pre-COVID, and after working through the pandemic she has a whole new respect for what Council does for Kirtland. Dr. Druzina advised Council that she does ask questions about where money is being spent and why. She has enjoyed her position, and thanked Council for appointing her. Dr. Druzina then spoke on COVID, saying the pandemic is not yet over, but out of the 88 counties in Ohio, Lake County is number 4 in terms of vaccine distribution.

Lastly, Dr. Druzina spoke about the county website and suggested those present become familiar with all that is offered. Examples of information located on the website include vaccines, children's services, when an area will be sprayed for mosquitos, etc. There will soon be a focus on heroin and narcotic abuse. Council President Lowery thanked Dr. Druzina for her support in representing Kirtland on the Lake County Board of Health.

Mr. Smolic questioned Dr. Druzina about the study the Cleveland Clinic recently did concerning those who have not been vaccinated but have had COVID, and whether there is equal resistance as those who have been vaccinated. Dr. Druzina said the study was done to determine whether vaccine resistance or illness resistance is stronger, and the vaccine trumped the illness by a small margin. Discussion ensued concerning immunity and vaccines.

OLD BUSINESS – RESOLUTION NO. 21-R-34 (continued):

Mr. Smolic moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

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

The legislation was read by title only. Mr. Lesnick moved to amend the Resolution to incorporate the revised Exhibit A, with the second by Mr. Smolic. Mr. Schulz read from Mrs. Kovalchik's memo to Council explaining the correction in the new exhibit. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lesnick moved to adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK, AND LOWERY. VOTING NAY: NONE).**

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

None.

RESOLUTION NO. 21-R-38 - **A RESOLUTION ACCEPTING THE BID OF SPECIALIZED CONSTRUCTION, INC., AWARDING SECTIONS I THROUGH IIA OF THE 2021 PAVEMENT REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Courtney said he has worked with Specialized Construction for many years. In his professional opinion, they are one of the better contractors to work with; they are conscientious contractors who have the equipment, manpower, and financial resources to complete projects. Mr. Courtney stated that two bids were received.

Mr. Smolic moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Schulz. Mr. Lesnick thanked Mr. Fornaro and Mr. Courtney for their work involved in the road program, and the Finance Department for their role in securing the funding.

Mr. Schulz brought up the challenge of handling any change orders over \$25,000 that may arise during Council's recess. Mr. Courtney explained there are contingency sections built into the contract, approximately 7.5% of the \$1.9 million bid, that are not to be used unless directed by the City Engineer or the Service Director. This should cover line item types of work. However, if there is a change in scope or anything similar where Council will need to be involved, an emergency meeting can be convened. If the contingency funds are not used, they can be used for maintenance. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Lesnick said it was nice to see the collaboration of multiple fire departments, Lake County Central Dispatch, and other emergency personnel while the highway was shut down for five or six hours due to the recent accident on I-90.

Regarding the letter from Aqua Ohio, Councilman Schulz stated that many years ago the utilities came before Council regarding rate changes, but at some point that was turned over to the PUCO. He stated there is no way to determine when there will be a rate hike, or how much it will be. He went on to say the rate increases have been consistent every six to eight months, substantially outpacing inflation. Discussion ensued on what, if any, control the City would have over the rate hikes. Council President Lowery suggested this can be further reviewed by the Utilities Standing Committee.

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 dismissal or discipline of a public official, 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 5/0 (VOTING YEA: SCHULZ, SMOLIC, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** The time was 8:50 p.m.

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Upon adjournment of the executive session, the regular session of Council reconvened at 9:09 p.m.

ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mr. Haymer. The motion of Council passed by unanimous vote and the meeting adjourned at 9:10 p.m.

President of Council

Clerk of Council