

## **KIRTLAND CITY COUNCIL MINUTES**

**September 8, 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 and Kelly Wolfe. Joseph Smolic was absent.

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

### **MINUTES OF THE AUGUST 23, 2021 WORK SESSION:**

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

### **MINUTES OF THE AUGUST 23, 2021 COUNCIL MEETING:**

Mr. Lesnick noted that on page 9, the second paragraph under Resolution 21-R-46 mentions \$8400 in pension payments, but he believes that figure was corrected. Upon discussion, it was noted that amount included both the employee and the employer share. The minutes were amended to eliminate the dollar amount and to read "...this would increase the cost to the City for Medicare and additional pension payments." 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 amended, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND WOLFE. VOTING NAY: NONE).**

### **DEPARTMENT REPORTS:**

**Fire Chief Anthony Hutton** advised the monthly report has been distributed. The Fire Department is on pace for over 1200 calls, which will make 2021 the busiest year in a while.

The AFG radio grant equipment has been received and placed in service approximately two weeks ago. All full-time firefighters received new radios, and some of the part-time employees received the used equipment. Mayor Potter and Mr. Fornaro also received a radio.

COVID reimbursement funding of \$14,000 has been approved by the Ohio EMA, but not yet received.

In talking with the Health Department representatives, it does not seem they will need any help from the Fire Department concerning administration of boosters or vaccines. The Health Department may reach out requesting the use of community centers, senior centers, and other such available areas.

Chief Hutton met with University Hospital and Lake Health about two weeks ago to discuss changes that will occur since the merger between the two. Chief Hutton said there will be a new protocol in place beginning January 1, with 13 new medications that will be rolled out to Lake County Fire Departments. One of the changes due to the merger will be a new EMS reporting system that will be provided to the Fire Departments, along with iPads for all ambulances.

**DEPARTMENT REPORTS (continued):**

Responding to Council President Lowery's inquiry on what database the new system will use, Chief Hutton said it will be HealthEMS.

Concerning the new drugs being made available, Chief Hutton said the medications will be for things such as cardiac issues, strokes, and other health situations.

Answering Councilman Lesnick on the possibility of duplication of calls on the report, Chief Hutton said all calls reported were individual calls and there are no duplications.

**Sergeant Jamey Fisher** advised the monthly report has been distributed.

Sergeant Fisher advised that a candidate has been identified for a new full-time position at the Kirtland Police Department, and a conditional offer has been offered and accepted. The candidate must pass the medical and physical fitness aspects of the process, and Sergeant Fisher expects to have confirmation by the 17th of this month.

Referencing the Safety Force flyer that has been provided to Council, Sergeant Fisher said it will occur this weekend in recognition of the 20-year anniversary of September 11th. He invited all those present to come out in support of the Police Department.

Sergeant Fisher mentioned there is a memorial concert tonight for Danny Ripepi at Jacob's Pavilion to raise money to fund K-9 programs in northeast Ohio. The Kirtland Police Department provided baskets in support of the event. The Police Department is positioned to apply for the grant once it is announced how many K-9 programs they will be funding.

Councilman Lesnick asked Sergeant Fisher the same question concerning duplication of calls on the monthly report. Sergeant Fisher stated if there are multiple calls for severe weather it is because each call is for a different location. However, there is the possibility for multiple violations per stop, which may result in some duplication in the report. He stated that Sergeant LaTurner is working on simplifying the report.

Councilman Schulz asked if Sergeant Fisher could estimate the cost of K-9 training for officer and dog, to which he responded a high-level estimate would be \$60,000, which would include the car, the dog, the training, and the bullet-proof vest for the dog. The Kirtland Veterinary Hospital has offered to provide all medical care for the dog, free of charge, for the dog's length of service with the City. There are funding sources the Department has been looking into, and there has been no proactive search for a dog as yet. Sergeant Fisher explained this is a long-term investment, and a dog would not be sought until all funding has been secured. He went on to say the event at Jacob's Pavilion should fund the program completely.

Responding to Councilman Lowery, Sergeant Fisher stated there are K-9 programs in Mentor, Willoughby, Eastlake, and Willowick.

Councilman Haymer asked how many of the 184 traffic stops were on Kirtland-Chardon, to which Sergeant Fisher estimated 65 percent. Councilman Lesnick added that he was passed by two cars on the double yellow line going uphill yesterday.

**Service Director Joseph Fornaro** reported the pickleball court has been completed, and he spoke highly of the staff and the great job they did. This project was something that had never been done before, and it turned out beautiful.

Council President Lowery commended Mr. Fornaro and his team on the pickleball court, stating it is fantastic.

**DEPARTMENT REPORTS (continued):**

The Service Department continues to cut grass; Mr. Fornaro believes the grass cutting will go through fall. He noted that the blue tractor will be out this week to make hopefully one final round for the year; this will be the sixth round for the tractor. The crews placed over 200 tons of asphalt over the last two weeks, making patches on various side streets. The Service Department began crack sealing this week.

Mr. Fornaro reported the road program is off to a great start. The chip seal has been completed in the Locust area and Temple View. The double chip was completed today, and in two weeks the mastic seal will go down.

Responding to Councilman Schulz, Mr. Fornaro said Euclid Chardon will be striped once the crack seal is done, along with the yellow line on Joseph Street. All other striping has been completed.

Councilman Ruple asked when the holes and cracks will be addressed in Rocking Horse, to which Mr. Fornaro said it has been scheduled, followed by Kirtland-Chardon, if there is time before the weather changes.

**City Engineer Douglas Courtney** began his report with an update on the Old Town sewer improvements. He noted that by the middle of this month he will have a new cost estimate to share with Council. Mr. Courtney is working with the Department of Utilities to schedule public information sessions sometime this month.

The road program has gotten off to a great start. Proof rolls have been done on Wisner Road, Billings Road, and Springer Drive. Wisner Road and Billings Road turned out well, with a few issues on Springer Drive that have been marked for repair.

Chip seal installation began this past Friday, and the City is two steps into the three-step process. Wisner Road will receive the final coat with the smaller stone tomorrow. The Temple View area and the Locust area received the small stones today. Those will need to sit for approximately two weeks before receiving a mastic seal.

Mr. Courtney drove Charlesderry Road and Glen Park Road prior to tonight's meeting, there is still smooth stone on those roads. That will remain the case for about a week, and the area will get a sweep approximately halfway through. There will then be a second sweep before the mastic is put down in a couple of weeks. Wisner Road will receive its second coat tomorrow.

When asked, Mr. Courtney explained that proof rolling is when a loaded truck, in this case a 25 ton truck, is rolled down the street at approximately two or three miles per hour to check if the pavement flexes under the weight of the truck. If the pavement flexes the area is marked for repairs.

**Assistant Finance Director Louis Slapnicker** advised the basic financial statement audit for 2020, along with the federal audit, are still ongoing.

Mr. Slapnicker referenced Resolution 21-R-50, which accepts the rates as determined by the County Budget Commission, and the deadline to submit this to the County Auditor is October 1; he requested the legislation be passed tonight. Mr. Slapnicker advised that there was an error discovered today in the total the County provided to the City, and Council was provided with a revised copy with the correct total. As a reminder, Mr. Slapnicker explained these are levies for property tax dollars as a result of the Finance Department submitting the tax budget with the County. The rates proposed for acceptance are certified rates for Tax Year 2021, for collection in 2022. Mr. Slapnicker pointed out these amounts will be used for budgeting the revenues for 2022. Mr. Slapnicker advised that the correction relates to the total of Column II in Schedule A. Mr. Slapnicker provided further explanation upon the request of Councilman Ruple.

**DEPARTMENT REPORTS (continued):**

It was noted that a Finance Committee meeting will be held on October 4 before the regular Council meeting.

**Law Director Matthew Lallo** began by voicing his support for Safety Forces Day, stating he has volunteered to be tased.

Mr. Lallo advised that an appeal notice was received pertaining to the termination proceedings of Lance Nosse as the Chief of Police. The appeal was filed in the Court of Common Pleas. Mr. Lallo has contacted the City's insurance carrier and noted this will be a long process.

Answering Councilman Schulz, Mr. Lallo said he has had productive discussions with the OPBA representative and he believes there has been a resolution reached. He also noted that the Fire Department recently reached out to him to start negotiations.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter thanked everyone for their thorough Department reports.

Mayor Potter added to the discussion of the pickleball court, remarking on how well the court was laid out, constructed, and painted. He asked those who haven't been to the court to stop by and take a look, as Mr. Fornaro went well beyond what was expected to make sure the court was ready for Labor Day. The final piece will be some fencing, but otherwise the court is ready to use.

The blue tractor that will be making its sixth pass through the city is the articulating mower that was headed for the graveyard before Mr. Fornaro and Steve, the new mechanic, decided to fix it. When Mayor Potter took office, one of the first capital requests made was for a new tractor in the amount of \$140,000. By fixing the blue tractor instead, the expense was lowered to \$120,000. Mayor Potter thanked Mr. Fornaro and Steve for saving the city money on that project, along with keeping the grass cut throughout the city.

Mayor Potter congratulated Terry Nicholson, who recently retired from the Service Department after 30 years of service. Mayor Potter stated his appreciation to Mr. Nicholson on his many years of hard work.

Mayor Potter thanked the road crew for their hard work this summer. He noted that over the summer there were a few new hires in the Service Department; they brought a lot of experience with them and are working out very well.

With regard to Resolution 21-R-49 concerning the City's credit card policy, Mayor Potter asked that Council waive the third reading and approve the resolution at tonight's meeting.

Mayor Potter is in the early stages of discussions with Mr. VanArnhem of the Kirtland Schools. There may be an opportunity to move the buses currently located across the street from City Hall to the Service Department lot. This could be a good partnership between the City and the schools moving forward, but there is much that needs to be discussed and worked out.

The public information meeting regarding Old Town sewers will be held toward the end of September or early October, depending on when the final plan design is submitted to the EPA. There are several grant requests submitted for Old Town sewer funding. Nothing has been finalized as yet, but the City is working to find ways to mitigate the cost.

Mayor Potter thanked Sergeant Valenti and the other officers for their hard work preparing for Safety Forces Day. Mayor Potter noted that the event held in 2019 was a phenomenal success.

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

Responding to Councilman Schulz's questions concerning tabulation of the survey results, Mayor Potter reported Ms. Szary did a great job condensing the responses. One of the requirements of the survey was to include a name or address, so residency could be verified. At last count, Ms. Szary had 150 responses that had to be removed as a result of no name or address. Once the survey results have been organized and placed in a presentable format they will be presented to Council.

Mr. Eckart and Mr. Loconti will be attending the next Council meeting for the third readings of Resolutions 21-R-45 and 21-R-46, and they will be available to answer questions.

Council President Lowery inquired if the buses will be moved temporarily or permanently. Mayor Potter noted that an agreement will need to be reached, and it will need to be determined if this would be short-term or long-term. He noted at this point it is a potential opportunity. Councilman Schulz commented that the Service Department is in the middle of a residential neighborhood, and complaints have been received when salt is delivered early in the morning.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

Council President Lowery said he received an e-mail today from Mr. Genovese of Joseph Street, with an attached document he would like read to Council. Mr. Lowery requested he come and speak to Council concerning the document, which he believes relates to speeding traffic on Joseph Street. Mr. Genovese will be attending the meeting on September 20 to discuss the issue.

Councilman Lesnick acknowledged receipt of an e-mail from Congressman Joyce's Veterans Resource representative, announcing a Veterans Resource Fair on Friday, September 10, from 9:00 a.m. to 12:00 p.m. at the Aurora VFW post. There will be representatives from the VA, the County Veterans Service Commission, Cuyahoga Community College, and many others for veterans to meet with and discuss all of the resources that are available to them.

Mayor Potter announced that community shred day will be held at the Community Center on October 9 from 8:30 a.m. to 11:00 a.m. Announcements will be posted on the City website and social media.

Ms. Szary noted that there are a total of 487 responses to the survey, after removing the 150 without name or address provided.

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

None.

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

None.

**OLD BUSINESS (continued):**

- RESOLUTION NO. 21-R-45** - (Second Reading) - A RESOLUTION HIRING EDWARD J. ECKART AND NORTH SHORE ASSOCIATES LLC TO PERFORM ECONOMIC DEVELOPMENT CONSULTING SERVICES FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.  
(Mayor Potter)

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

- RESOLUTION NO. 21-R-46** - (Second Reading) - A RESOLUTION CONFIRMING THE APPOINTMENT OF RICK LOCONTI AS THE ZONING INSPECTOR FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.  
(Mayor Potter)

The legislation was read by title only and placed on Second Reading. Mr. Lallo advised Council he has looked further into the question of whether Mr. Loconti could be considered a contractor instead of an employee, and due to the nature of this position, it is his recommendation that he should be classified as an employee rather than an independent contractor.

- ORDINANCE NO. 21-O-47** - (Second Reading) - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN UPDATED MEMORANDUM OF UNDERSTANDING WITH THE LAKE COUNTY LAND REUTILIZATION CORPORATION RELATING TO VACANT, ABANDONED, TAX-FORECLOSED OR OTHER REAL PROPERTY.  
(Mayor Potter)

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

- RESOLUTION NO. 21-R-49** - (Second Reading) - A RESOLUTION RATIFYING AND ADOPTING THE CITY'S CREDIT CARD POLICY, 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: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND WOLFE. VOTING NAY: NONE).**

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

None.

- RESOLUTION NO. 21-R-50** - A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.  
(Mayor Potter)

**NEW BUSINESS – RESOLUTION NO. 21-R-50 (continued):**

The legislation was read by title only. Mr. Lesnick moved to amend the resolution to incorporate revised Schedule A, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND WOLFE. VOTING NAY: NONE).** Mr. Slapnick noted for the record that the current legislation does not include the Senior Citizen levy, as it has expired. If the levy is passed, there will be an update to this resolution placed before Council for approval. Mr. Lesnick moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND WOLFE. VOTING NAY: NONE).** Mr. Lesnick moved to adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND WOLFE. VOTING NAY: NONE).**

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**COUNCIL COMMENTS:**

Councilman Schulz advised that he spoke with Wendy Zele at First Energy today to discuss a web-based unit that plugs into the wall and measures power outages. As there have been multiple power outages in Ward 3, he reached out to discuss this device with her. Wendy will also be contacting the substation manager to find out if the Newport station has been upgraded. Discussion ensued concerning the problem with power outages in the city. Chief Hutton noted that even with an upgrade, there would still be issues when lines are brought down by tree limbs during storms.

Mrs. Wolfe addressed the Mayor concerning her questions at the last Council meeting regarding the admitted alcohol use in the Police Department. She asked for an update on the situation and whether the City is proceeding with termination hearings. Mr. Lallo addressed her questions, advising that he has scheduled conversations and meetings with OPBA to address many of the issues that were brought up at the meeting. Mayor Potter said that he and the Law Director are handling the situation. Mr. Lallo stated there is a disciplinary process in the CBA that must be followed.

**CONTINUING CONCERNS:**

Council President Lowery noted that this is an opportunity for the public to address Council about any continuing concerns. There were no comments from the public.

**ADJOURNMENT:**

Mr. Lesnick moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 7:50 p.m.

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President of Council

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Clerk of Council