

KIRTLAND CITY COUNCIL MINUTES

September 20, 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, 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 SEPTEMBER 8, 2021 WORK SESSION:

Mr. Lesnick moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Lesnick moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

MINUTES OF THE SEPTEMBER 8, 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 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton spoke regarding the Department staffing issue, stating he had forwarded Mayor Potter a video of the report done on Channel 19 concerning staffing issues and shortages in the firefighting field nationwide. He went on to say all the Lake County fire chiefs and departments are working well together to deal with the shortages. Chief Hutton and Mr. Slapnicker will be meeting next week to review the current part-time budget. Going into next year Chief Hutton expects to present options to Council concerning potential restructuring in the Department. Pay is a major factor in the shortage, but the problem is bigger than that in Ohio.

Councilman Lesnick asked if the restructuring ideas being considered are similar to those proposed in 2018, to which Chief Hutton agreed the options will be very similar.

Answering Councilman Smolic's question concerning part-time pay increases, Chief Hutton said departments are beginning to offer different pay incentives. However, even those departments cannot fill all shifts. While offering a competitive pay rate does help, the industry is facing a larger problem with the lack of people interested in the career and many local departments competing for and/or sharing the same applicants.

Chief Hutton further explained how the neighboring fire departments and Kirtland are managing the shortage by working together when they can, to include combining all of their special teams.

Police Sergeant Jamey Fisher announced that Safety Forces Day was a huge success, well-received by all residents, and everyone who attended seemed to enjoy themselves.

DEPARTMENT REPORTS (continued):

Sergeant Fisher acknowledged Sergeant Valenti for his work in organizing the event, Councilman Schulz for his heartfelt prayer, Councilman Haymer for concessions coordination, the Kirtland Kiwanis who are continually donating, Chief Hutton and the fire services, Ms. Szary for making things presentable, and Mr. Fornaro for helping with setup and cleanup. A special thank you was given to Mr. Lallo for joining the club of those who have been tased. Sergeant Fisher went on to say it was a Team Kirtland experience, and thanked Mayor Potter for supporting such events.

Officer Julia DeWolf has recently been hired as an officer for Kirtland. She is coming from the Mentor Police Department, passed all pre-employment qualifications as of yesterday, and will be sworn in October 4th with her first shift scheduled on October 6th.

Sergeant Fisher announced Sergeant LaTurner was recently blessed with a beautiful son, who has been named James. Everyone is home and healthy.

Council President Lowery attended the event and thanked all involved for their efforts to make it a success. He commented that he did not see any Service Department personnel in attendance, and wondered if the Service Department should be included in the event next year as they play a large part in keeping the city safe.

Service Director Joseph Fornaro stated that hopefully the last round with the blue tractor has been completed.

Mr. Fornaro advised that the service crews began crack sealing. He noted that Eagle East has been crack sealed, and all asphalt patches have been sealed for winter.

Mr. Fornaro thanked everyone who participated as part of the Keep Kirtland Beautiful team. The final training has been completed, and the team is now certified as Keep Kirtland Beautiful, an affiliate of Keep America Beautiful.

The road program is moving along swiftly. The tar chip has been completed in the Locust, Charlesderry and Wisner areas. The Department is waiting for the mastic seal to go down. Today the full depth repairs began on Springer Drive.

Council President Lowery thanked Mr. Fornaro for the work done on the road going to the Recreational Park, adding the road is passable and the holes are gone.

City Engineer Douglas Courtney began with the Old Town sewer improvements. The permit to install applications and plans were submitted to the Ohio EPA for approval on Friday, September 17th. Those same plans, with an updated cost estimate, were submitted on September 20th to Lake County Department of Utilities for their first round of review on the project.

The current project cost estimate for the Old Town sewer project is \$3.126 million, based on the currently submitted plans.

The wastewater infrastructure grant application was submitted on September 13th to the Ohio Department of Development for approximately 50 percent of the project cost. The grant would also cover 50 percent of the up-front cost for the residents, covering fees for septic abandonments, tie-ins to the sewer system, and tap-in fees. The Old Town sewer project is number three on the county's priority list, so there is a good chance the City will receive the grant. The funding is being made available through the American Rescue Plan Act (ARPA).

DEPARTMENT REPORTS (continued):

Mr. Courtney stated he is working with Lake County to schedule a public information session late in October, with the anticipation of a formal public hearing in January once the plans have been finalized and final cost estimates are completed.

Concerning the street rehabilitation and maintenance program, Mr. Courtney reported base pavement repairs on Springer Drive and Springer Circle began today and should be completed tomorrow, weather permitting. Tomorrow morning Mr. Courtney and Mr. Fornaro will be walking Beechwood Drive and Oakwood Drive to mark areas for full depth pavement repairs, which the contractor will begin once the Springer area has been completed.

Responding to Councilman Lesnick's question, Mr. Courtney said there are approximately 132 to 134 households that will be impacted by the Old Town sewer project. Noting that there are several properties large enough to split into two parcels, the total could be approximately 140 if those are split. Mr. Courtney noted that the improvements will be in the road rather than in the yards.

Councilman Smolic inquired about assessing the monthly fee for the Old Town sewers, to which Mr. Courtney said the City will not be assessing fees because the program will be run through the county. Mr. Courtney noted the estimated cost to the residents will be refined as the plans are completed and grant applications are processed.

Councilman Schulz stated he was contacted by a resident on Martin Road inquiring as to what steps they need to take to petition Aqua Ohio to get water service. Mr. Courtney said he would look into it.

Councilman Lesnick thanked Mr. Courtney and Mr. Fornaro for working with Mayor Potter and Ms. Szary to place information on the street repairs on the city's website in an effort to keep residents informed of the progress.

Mr. Fornaro advised there will be some adverse weather conditions beginning the afternoon of September 21st and lasting through Thursday the 23rd. The weather forecast is calling for 3" to 4" of rain, and the Service Department will do what they can to open up the problem areas. However, when rain falls that hard and fast it can cause problems. He asked that residents be patient with the Department, they are working as best they can to handle any situations that may arise.

Councilman Schulz asked how the paving cost tracking has been coming along, to which Mr. Courtney responded the project is currently under budget.

Law Director Matthew Lallo advised that Chief Nosse filed his appeal in court concerning the determination of Council to terminate his employment. The appeal is a public record. There was also an allegation/charge of an EEOC violation. The insurance carrier has been placed on notice, and the City is in the process of defending both actions. Legal counsel has been retained to represent the City in both actions, to defend the decisions of City Council and the Mayor moving forward.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter began his report by saying Safety Forces Day was a hit. The Safety Forces came out that day and showed the community what they're about and their willingness to give back. Mayor Potter thanked everyone who participated in making the day happen, including Mr. Haymer for handling the concessions, Councilman Schulz for delivering the event's prayer, Mr. Fornaro and the Service Department for their hard work in setting up the event, and Ms. Szary for her assistance in making things run smoothly.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter noted that a few months ago Chief Hutton introduced Council to a company called Lexipol in relation to City procedures and policies. He noted that discussion has been ongoing. This company works with many municipalities on their police, fire, and citywide policies. Mayor Potter advised that the City will be entering into a contract with Lexipol to help with policies and procedures citywide. Once things are up and running, there will be an annual fee to continue the contract. City Council will be able to reassess with Department Heads and the Law Director each year to evaluate the contract's renewal. Mayor Potter hopes to have the program implemented by the end of the year. The Mayor thanked Chief Hutton and Ms. Szary for their work in getting this implemented.

Mayor Potter thanked Mr. Ken Wyban, a resident and member of the Senior Center, for donating \$4,000 to cover the cost of paint for the pickleball court.

The City has received several quotes on the fencing needed to surround the pickleball court, and once a decision is made the fence will be installed. However, the nets are up and anyone who wants to play a game is welcome.

Mayor Potter updated Council on the process for a replacement police chief, saying the application deadline was last Friday, September 17th, at 4:00 p.m. There were approximately nine applicants. Tomorrow afternoon Mayor Potter will meet with Council President Lowery, Councilman Smolic, Chief Hutton, Chris Speece, and Ben Stankewicz to begin the process of vetting the applications. Mr. Stankewicz is a police officer who lives in the Kirtland community and works in another community.

Mayor Potter thanked Mr. Eckart and Mr. Loconti for joining Council in the work session prior to the Council meeting. He is looking forward to working with both of them in their new positions. He went on to thank Mr. Fornaro for taking on additional work until the zoning inspector position could be filled, noting that he has been phenomenal in helping during this transition.

There is a resolution on the agenda tonight concerning Arbor Day, and Mayor Potter expressed his support.

Answering a question that was asked in the earlier work session, Mayor Potter stated there will be a fall cleanup for seniors and veterans on Saturday, November 13th. All volunteers are welcome and appreciated. He noted that if anyone knows of someone who could use a little assistance this fall to please let him know.

Councilman Haymer asked if there would be a fall brush pickup. Mayor Potter said there will be a brush pickup this fall, saying the residents really took advantage of the program last year. He went on to say that throughout the year Mr. Fornaro has responded to resident requests for brush/limb cleanup services, especially after storms.

With regard to the transformer installation at the Newport station, Councilman Schulz advised he spoke with Wendy at First Energy and the installation occurred at the end of August. There were two major power outages - one on September 5th that affected 813 customers for 294 minutes, where the primary electrical wires came down; the other was on August 8th that affected 182 customers for 250 minutes, due to a failed disconnect switch. Mr. Schulz noted that Wendy assured him she would continue to monitor the reliability of the Newport substation feeder circuit board.

Answering Councilman Lesnick, Mr. Fornaro confirmed that the City notifies First Energy when there are trees interfering with the power lines.

STANDING COMMITTEE REPORTS:

Mayor Potter noted that a Finance Committee meeting will be held prior to the October 4th Council meeting.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Ron Fenstermaker, 8851 Billings Road, said he noticed the Parks' development has begun clearing, and he was curious on the timing for their equipment on Billings Road. His main concern is destruction of the road by the equipment. Mr. Courtney said that is a concern, but the project cannot be delayed. If the equipment damages the road they will be held accountable. Answering Councilman Lesnick, Mr. Courtney stated there are load limits placed on the roadways and the City will monitor the trucks traveling on the road to make sure they are in compliance. Responding to Councilman Schulz, Mr. Courtney verified that the company in charge of the project is also required to run sweepers on the road.

Bob Genovese, 7719 Joseph Street, addressed Sergeant Fisher concerning the digital readout speed sign placed on Joseph Street for approximately one to two weeks, saying it has been removed and asked if it had been placed as a temporary study on speeds for the area. Sergeant Fisher explained the signs are used in various locations to gather data. Mr. Genovese said he had been unsure if the placement was permanent or just for study purposes, and asked how the sign placement is determined. Sergeant Fisher explained when a complaint is received concerning speed in a certain area, the sign is deployed to gather data. Concerning Joseph Street, Sergeant Fisher does not believe speed is the problem as the average speed in the area for the seven days the sign was placed was 18.5 miles per hour, with the fastest being 37. He went on to say he was shocked by the volume of traffic, with the area averaging 400 to 500 vehicles per day. This is most likely caused by the bridge being out on Markell Road, and the increase in traffic due to parents picking up and dropping off their children at school. Sergeant Fisher further explained during the time the sign was placed there was one citation issued for a stop sign violation, and offered to provide the report to Mr. Genovese for review.

Mr. Genovese then addressed Mr. Lallo, referring to ORC 4511.21, 4511.212 and 4511.01. Mr. Genovese said he noticed from his research that 25 miles per hour is an ideal speed in residential areas. Noting that the ORC states the school zone can possibly be extended 300 feet, Mr. Genovese questioned if it can be extended onto Joseph Street. He noted there is a side parking lot and many people park and walk their kids across the street to the school. Mr. Lallo said there have been previous statements made notifying residents they are not allowed to drive into that parking lot as a cut-through. He stated he can research the statute as it relates to the school zone extension to see if an extension west on Joseph Street would be feasible; he noted that if a study is required, it would be very costly. Mr. Genovese said he had a conversation with Mr. VanArnhem, who said he was looking into ways to place signage or a crosswalk.

Mr. Genovese asked if there could be a potential reduction in the speed limit on Joseph Street. Mr. Lallo referred to subsection J in the previously mentioned statute, which addresses whether a petition can be submitted to increase or decrease the speed limit below the prima facie limits. In this case, the speed limit is set at 25 miles per hour. There would need to be a city-funded engineering and traffic study done that recommends the reduction. From that point, Council would need to pass a resolution requesting the Director of ODOT to review the data and make a determination. Therefore, ODOT has the final say on whether or not there is a change.

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

Answering Mr. Genovese concerning the citizens' option to raise the funding for the study, Mr. Lallo suggested petitioning the citizens of the street to pay for the study, or residents can offer to donate toward the study. Mayor Potter noted that Mr. Fornaro will look into the cost of a study.

Fire Chief Hutton stated that Google Maps contributes to the volume of vehicles traveling the road. When requesting directions to the Recreation Park using Google Maps, traffic is sent to Fairidge Drive, which causes lines of cars traveling Joseph Street to Fairview, then to Fairidge. This is a larger problem on the weekends, and he believes a sign needs to be placed to redirect traffic. Discussion ensued concerning placement of a sign and the boundaries of the school zone.

Responding to Councilman Schulz, Mr. Courtney said the completion date for the bridge on Markell Road is set for late October. Mr. Schulz noted that once the bridge is open, it may relieve some of the traffic on Joseph Street.

Mr. Genovese also stated concerns about people walking on Joseph Street, noting that there are no sidewalks.

Mr. Schulz suggested that the area may be a candidate for the "Safe Routes to School" study.

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

None.

RESOLUTION NO. 21-R-45 - **(Third 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. Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. Answering Councilwoman Wolfe, Mayor Potter confirmed the contract term is six months, at which time Council will revisit the contract. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-46 - **(Third 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. Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Ruple. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

Mayor Potter thanked City Council for approving Mr. Loconti's appointment. He advised Council that he will forward the resume of Mr. Dan Laux, regarding appointment to fill Mr. Loconti's position on the Planning and Zoning Commission. He advised that he will have legislation for the appointment placed on the agenda for the next Council meeting.

OLD BUSINESS (continued):

ORDINANCE NO. 21-O-47
(Mayor Potter)

- **(Third 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.**

The legislation was read by title only. Mr. Schulz moved to adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 21-R-51
(Mayor Potter)

- **ARBOR DAY PROCLAMATION**

The legislation was read by title only. Mr. Fornaro explained this proclamation is a part of the Tree City application and must be passed so the application can be submitted. Mr. Lallo advised Council this resolution was passed last year and renews annually. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Lesnick moved to adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Lesnick requested a special Finance Committee meeting, noting that in addition to the other financial reports, Council will be receiving the capital budget. He asked that a meeting be scheduled for next week to begin discussions on how the capital budgets will be funded. Upon agreement of Council, the meeting was scheduled for September 29 at 5:30 p.m.

Ms. Szary advised that City employees and City Council members are invited to an open house at the Senior Center on September 22 from 6:00 to 8:00 p.m. She noted there will be food and activities, and some of the instructors will be attending. She noted that the Center will be open that evening so everyone will have an opportunity to visit. The pickleball court will be set up for those who would like to learn to play the game.

Councilman Smolic requested that Council President Lowery amend Resolution 20-R-74 relating to Standing Committee assignments; he requested that Councilwoman Wolfe be removed from the Police and Fire Standing Committee and replaced with someone else of Mr. Lowery's choice. Mr. Lowery advised he will take it into consideration.

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. Smolic moved to adjourn, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 8:02 p.m.

President of Council

Clerk of Council