

KIRTLAND CITY COUNCIL MINUTES

October 18, 2021

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Richard Lowery. Mr. Lowery led the prayer which followed the Pledge of Allegiance. The members of Council present were: Scott Haymer, John Lesnick, Richard Lowery and Joseph Smolic. Absent: Jeffrey Ruple, Matthew Schulz 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, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

MINUTES OF THE SEPTEMBER 29, 2021 FINANCE COMMITTEE 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. Mr. Lesnick moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 4/0 (VOTING YEA: LESNICK, LOWERY, SMOLIC AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE OCTOBER 4, 2021 FINANCE COMMITTEE 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 4/0 (VOTING YEA: LESNICK, LOWERY, SMOLIC AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE OCTOBER 4, 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. Mr. Lesnick moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 4/0 (VOTING YEA: LESNICK, LOWERY, SMOLIC AND HAYMER. VOTING NAY: NONE.).**

MINUTES OF THE OCTOBER 7, 2021 SPECIAL 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 4/0 (VOTING YEA: LESNICK, LOWERY, SMOLIC AND HAYMER. VOTING NAY: NONE.).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the September monthly report has been distributed. Chief Hutton said this month's Fire Department training will be vehicle extrication, which will occur at Station 1. There will be three vehicles at the Station, one for each shift, and one has already been torn apart.

The Hazard Mitigation plan for the majority of Lake County, including Kirtland, was submitted last week. Chief Hutton attended a meeting at the EOC, and the Kirtland plan is ready to go. Chief Hutton thanked Mr. Fornaro for his help.

DEPARTMENT REPORTS (continued):

Chief Hutton reported that from a paramedic standpoint, concerning transports, the Department has been experiencing delays at all area hospitals due to the nursing shortage. Currently it can take up to an hour to hand a patient off to the nursing staff, at times even longer. Chief Hutton and his Department have been working closely with University Hospitals, Lake Health and other hospitals on the situation.

Chief Hutton reported that University Hospitals will be upgrading the EMS reporting system, and will pay for the upgrade for CADLink at the Dispatch Center.

Sergeant Jamey Fisher began his report by thanking Patrolman Petric, Patrolman Megyesi, Patrolman Null, and Jim Gibbs for their work installing the television screen in the lobby at City Hall, which plays videos and presents information to the residents concerning the Police Department and community public safety. Sergeant Fisher noted this will help differentiate the Police Department from the rest of City Hall.

Sergeant Fisher said the Police Department continues to pursue grants. On October 7, the Department submitted a grant application for body cameras and external storage units. Another application has been submitted for a grant that pays 50/75 percent of the body armor the officers wear. Sergeant Fisher will keep Council updated as to the status of the applications and will continue to work to secure funds to reduce the burden on the general fund as best he can.

The State of Ohio has mandated 24 hours of Continual Professional Training (CPT) for all police officers in 2022, and will reimburse the Department for the cost of said training. The deadline for reimbursement paperwork submission is November 1, 2021. Sergeant Fisher expects to have the paperwork completed by the end of next week.

Patrolman DeWolf, sworn in recently, is happy in her position and progressing well in training. Sergeant LaTurner has returned from his paternity leave, and the Department is almost back to full strength. Patrolman Martin is expecting his first child to be born in the next month.

Sergeant Fisher noted that the monthly report has been distributed to Council.

Councilman Lesnick inquired about the traffic stops listed on the report. Sergeant Fisher said approximately 50 percent of the traffic stops on the report were verbal warnings with no citation issued.

Service Director Joseph Fornaro said the crews are still crack-sealing and patching the roads. The Department met its target of 15 ditch eliminations this year, and the residents seem to be pleased. There will be a list created for spring of next year.

Mr. Fornaro said shred day went well and was well-attended.

Council President Lowery asked about the process for ditch eliminations. Mr. Fornaro explained when a resident would like to have a ditch eliminated they need to visit the Zoning office to fill out the ditch elimination permit form. The resident is responsible for the topsoil, all materials that go in the ditch, and the stone; the City provides the labor.

Mr. Fornaro thanked the Kiwanis for helping the Service Department put new timbers down on the bocce courts.

City Engineer Douglas Courtney advised that the public information session on Old Town sewers is scheduled for October 28. Notices were sent out on Friday to inform the residents of the meeting.

DEPARTMENT REPORTS (continued):

Mr. Courtney updated Council on the street repair contracts. As of October 16, the completed work totals \$1.195 million. Work yet to be completed under the repair contract is \$450,600. The total is approximately \$1.646 million. The street maintenance contract, including pavement striping, was \$32,000 and has been completed; the reclamation application which includes the pavement rejuvenation and sealer is not yet complete and has a cost of approximately \$7,000. The crack seal is in progress and totals \$95,500. The chip seal has been completed at a cost of \$87,300. Maintenance work has a total of \$221,785. The projected completion cost of the contract is \$1.868 million. The cost of overhead, consisting of engineering, surveying, inspection, etc. is \$170,000; and projected total project completion is approximately \$2.038 million. Available funds are \$2.223 million, and it is projected that it will come in approximately \$184,000 under the budgeted amount of \$2.223 million.

Mr. Courtney said the contractor is going to begin the surface asphalt on Billings Road and Springer Drive next week, and the process should take approximately two weeks.

Answering Councilman Haymer, Mr. Courtney said the public meeting on Old Town sewers will be held at the high school gymnasium at 7:00 p.m. Councilman Lesnick noted that information on the meeting is on the City website.

Answering Councilman Lesnick, Mr. Courtney stated the savings in the street repair would be attributed to not getting much into the contingencies, and more repairs were anticipated to the base pavement on Billings and Wisner.

Assistant Finance Director Louis Slapnicker advised the September end-of-month reports have been distributed and will be posted on the website shortly.

Mr. Slapnicker stated that Ordinance 21-O-55 amending the 2021 appropriation is on tonight's agenda for first reading, noting that many of the items have previously been passed with legislation.

Senior Center Coordinator Teresa Szary advised that the Senior Center has a similar lobby display on site that will mirror the display recently set up at City Hall by the Police Department. There is a television in the lobby of the Senior Center that will have City, Police, and Senior Center information. Ms. Szary said Officer Petric has been very helpful, and it will be a good collaboration.

Ms. Szary noted that she has been working with Mr. Slapnicker on the levy application, which is due to the County on November 5.

The Senior Center bake-off will be tomorrow. All City employees and members of the Senior Center are invited to enter. The judges will be two City employees and two local business owners.

Ms. Szary reported that to be eligible to receive county funding the county requests a report stating the number of offered programs along with the number of participants each month. After opening in June, there were 100 offered programs with 800 total participants in July. By the end of September, those numbers have increased to 170 offered programs and almost 1200 participants. With the current attendance and programming, the Senior Center has reached or surpassed pre-COVID numbers.

Law Director Matthew Lallo requested that Council move to an executive session at some point during the meeting so he can brief Council regarding a threat of imminent litigation and provide an update on pending litigation. Council President Lowery noted that Council will wait until the end of the meeting to convene the executive session.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter began his report by reminding everyone present the Senior and Recreation levy is up for renewal. The levy is not a tax increase, but a renewal of a current levy. Mayor Potter spoke of how critical the funding from the levy is to the programs at the Community Center which are enjoyed by residents, seniors, and youth recreation leagues.

During the weeks of November 8 and 15 the Service Department will be doing the fall brush pickup. Wards 1 and 3 are scheduled for the week of the 8th, and Wards 2 and 4 are scheduled for the week of the 15th. Mayor Potter noted it is not a leaf pickup service; it will be the standard brush pickup. Information will be posted on the City's website and Facebook page.

Mayor Potter thanked the schools for honoring his request to use the high school gymnasium for the public meeting on the Old Town sewer project. Lake County Utilities, Mr. Courtney, Mayor Potter, and Mr. Fornaro will be attending, and hopefully many Council members will also attend. Discussion topics for the meeting are construction timeline, costs, and funding opportunities for the residents.

Trunk or Treat will be on Wednesday, October 27 at both City Hall and the Community Center from 6:00 p.m. to 8:00 p.m. Information will be placed on the City's website and Facebook page. Businesses from around town will be invited to participate.

Mayor Potter noted that the road program will be wrapping up in the next couple weeks.

Mayor Potter added that he would update Council concerning the employment of a public official during the executive session.

Concerning Council attendance of four members at tonight's meeting and its effect on voting rules, Mayor Potter requested a special Council meeting in the next week to address the amendment to the appropriation on the agenda. The resolution needs to be adopted as soon as possible, as it relates to unexpected legal fees that have been incurred this year, but there are not enough Council members in attendance to waive the three readings.

STANDING COMMITTEE REPORTS:

Councilman Lesnick stated that today was the second discussion held concerning possible ways to fund capital improvements, including the road program. Mr. Lesnick stated he would like to schedule a Finance Committee meeting for the final discussion on the matter, noting that five options were presented. He noted that one of the options was to do nothing, but that is not acceptable because these issues need to be addressed. Mr. Lesnick stated he will send an e-mail regarding scheduling of a Finance Committee meeting so Council can make a recommendation of what should be done.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sharon Vyskocil, 8415 North Locust Drive, asked when the regular Trick or Treating will occur, to which Mayor Potter advised it will be held on October 31 from 6:00 p.m. to 8:00 p.m. Ms. Vyskocil then asked about "Beverage for Commissioner" signs she has seen, to which Mayor Potter said he believes he is a primary candidate for the spring election.

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

Carol Martz, 7475 Euclid-Chardon Road, asked Ms. Szary if the reported number of participants are based on what programs are signed up for or by individual. Ms. Szary confirmed the number relates to the number of activities, noting that an individual can sign up for multiple activities. Ms. Martz then asked Mr. Fornaro if the 15 completed ditches were all that were requested or if there were more requested but only 15 completed. Mr. Fornaro explained that to make sure the program is successful, the Department limits the number of ditches per season between 10 and 15. He noted that a couple residents have called and been placed on the list for next year.

Walter Tornstrom, 8735 Palomino Trail, asked how the road improvements are to be financed. Councilman Lesnick explained there are currently finance meetings being held to determine the answer to that question. At this point Mr. Lesnick believes that without a new source of revenue, the City will not borrow more money; he noted the City does not have the means to pay any increased debt. Mr. Tornstrom asked if there would be anything placed on the ballot to ask residents for the money, to which Mr. Lesnick explained there is a 60 to 90 day period in which the City would need to have things validated for a vote, so anything presented via ballot would not be done until May of 2022. Mr. Tornstrom expressed concern, noting he brought the subject up a couple of years ago. He inquired about the funding Senator Jerry Cirino was working to get for the City. Mayor Potter stated there has not been an update provided yet, noting that much of the original conversation with Senator Cirino related to the Old Town sewer area.

Mr. Tornstrom then asked where he could get information on when streets he travels daily will be scheduled for maintenance, noting the bad shape of the roads. Mayor Potter reiterated there are Finance Committee meetings being held to determine how to handle the situation without taking on more debt. Councilman Smolic said that Bridlehurst and Palomino would be tentatively scheduled for 2023, subject to financing.

Responding to Mr. Tornstrom's inquiry about financing the roads, Councilman Lesnick noted there was consideration earlier to propose a change to the income taxes to raise \$1.2 million in revenue for funding the roads, but the residents did not want that increase. Further discussion ensued concerning funding needs and options.

Council President Lowery stated that two years ago there was a resolution put before Council concerning placing on the ballot both a police levy and a road levy, which he voted against. He went on to explain his reasoning, stating the City needs to be fiscally responsible, and the current Council has worked diligently for the last two years to reach that goal. There have been reductions in staff, operations, capital equipment purchases, etc., and it is now time to ask the residents for the funding because there are no other options at this point. If nothing is done, the roads will not get fixed, and there is nothing left to cut. He went on to say the incoming Council will have to find a way to raise funding to fix the roads, whether levied by property tax or income tax.

Frank Lyon, 8049 Eagle Road, said he had sent an e-mail to Council concerning Ms. Wolfe's residency location. He did not receive an answer, and asked if the City has a new address on file for Ms. Wolfe and whether she still resides in Ward 1. Mr. Lyon then asked if Ms. Wolfe is still a member of the Police and Fire Standing Committee. Council President Lowery responded that she is still a member of that Committee; he noted that Resolution 21-R-54 on tonight's agenda concerns her membership on that Committee. Mr. Lyon went on to inform Council that Ms. Wolfe is not responding to her constituents, and they have asked for her resignation. There is also a recall petition in process.

Bob Genovese, 7719 Joseph Street, followed up on an e-mail he sent to Council and Mayor Potter regarding asking Ms. Wolfe to get a number from Mr. Lallo in regard to how much a special election would cost the City if the recall petition receives enough support. The e-mail was sent a week ago, with no response as of yet.

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

Mr. Genovese asked if Council knows the cost of a special election. Mr. Lallo answered, stating the cost would be close to \$2,000. Mr. Genovese asked then if the cost for the election could be deducted from Ms. Wolfe's salary, to which Mr. Lallo stated it cannot as it is a cost borne by the City.

Mr. Genovese then asked if it could be made mandatory that Ms. Wolfe attend the October 28 meeting concerning Old Town sewers since it concerns her constituents, if she still holds her position at that time. Mr. Lallo responded that based on the Charter and the Ordinances, there is no requirement that she be present. Mr. Genovese stated that the residents have not heard anything from Ms. Wolfe, noting that at the last meeting concerning the sewers, he submitted some questions, and never received any response.

OLD BUSINESS:

None.

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

Bob Genovese, 7719 Joseph Street asked if there would be open dialog at the Old Town sewers public meeting, along with a Q&A session, to which Mr. Courtney stated there would be some Q&A.

Frank Lyon, 8049 Eagle Road, said he believes Ms. Wolfe should be removed from the Police and Fire Standing Committee.

Cathy Knaak, 7771 Gildersleeve Drive, said she'd reached out to Ms. Wolfe prior to any proceedings. Ms. Knaak felt that Ms. Wolfe voted fiscally irresponsibly on behalf of her constituents, and Ms. Knaak asked for an explanation, to which Ms. Wolfe said she could not answer because she was in a judicial role, and that her counsel had advised her not to answer questions. As time went on, Ms. Wolfe continued to vote in the same manner. Ms. Knaak said she continued to e-mail Ms. Wolfe but received no response. Ms. Knaak thanked Council members who were copied on the e-mails for their responses. Ms. Knaak voiced concern for Ms. Wolfe's membership on the Police and Fire Committee, stating Ms. Wolfe is not a representative of her constituents or the City, and she has been derelict in her responsibilities to her constituents.

Councilman Smolic advised Ms. Knaak to forward any questions she may have to Council-at-Large, or to himself individually. For clarification to those present, Councilman Lesnick noted that Ms. Knaak is referring to Ms. Wolfe's involvement with Chief Nosse, and that she voted to continue his salary during pending litigation along with voting to retain Chief Nosse instead of terminating his employment as recommended by the Administration. He went on to say he believes Ms. Wolfe serving on the Police and Fire Standing Committee is a conflict of interest.

Council President Lowery explained that the legislation on the agenda relating to Standing Committees will proceed to Second Reading at the next Council meeting, because there are not enough Council members present to waive the three readings. Mr. Lallo explained there is a quorum of the meeting, which means the majority of Council needed to open a meeting, conduct a meeting, and vote on legislation. Four members are present at tonight's meeting, which meets the requirements of a quorum. However, there is a requirement for five favorable votes to waive the three readings. He noted the requirement is the same to declare an emergency and adopt. If there are only four members voting to declare an emergency and adopt, the vote would go into effect without the emergency clause and take effect in 30 days.

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS (continued):

Answering Councilman Smolic, Mr. Lallo said he believes Ms. Wolfe will be eligible to vote on the resolution amending the standing committees.

Ms. Knaak commented that it is not unnoticed that Ms. Wolfe is not present tonight.

RESOLUTION NO. 21-R-54 - **A RESOLUTION AMENDING RESOLUTION NO. 20-R-74
(Council President Lowery)** **RELATING TO ESTABLISHING STANDING
COMMITTEES OF COUNCIL, AND DECLARING AN
EMERGENCY.**

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

ORDINANCE NO. 21-O-55 - **AN ORDINANCE AMENDING ORDINANCE NO. 21-O-44
(Mayor Potter)** **RELATING TO THE APPROPRIATION FOR THE YEAR
2021.**

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

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COUNCIL COMMENTS:

None.

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.

Mr. Lowery noted the next Council meeting is scheduled for November 3, noting that a special meeting will be scheduled regarding the Ordinance to amend the 2021 appropriation.

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Upon request of the Law Director, Mr. Lesnick moved to convene an executive session to discuss imminent litigation, pending litigation, and the appointment of a public official, pursuant to Article I, Sections 7(a) and 7(c) of the City Charter. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 4/0 (VOTING YEA: LESNICK, LOWERY, SMOLIC AND HAYMER. VOTING NAY: NONE).** The time was 7:59 p.m.

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Upon adjournment of the executive session, the regular session of Council reconvened at 8:59 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 9:00 p.m.

President of Council

Clerk of Council