

KIRTLAND CITY COUNCIL MINUTES

October 19, 2020

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Richard Lowery. Due to the current state of emergency regarding COVID-19, the meeting was held virtually via Zoom. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Scott Haymer, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe. Absent: John Lesnick.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Assistant Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Economic Development Manager Monica Drake, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

MINUTES OF THE OCTOBER 5, 2020 WORK SESSION:

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

MINUTES OF THE OCTOBER 5, 2020 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton began with the COVID update, advising that there are approximately 50 positive cases currently in Kirtland; he was notified of another case this morning. Chief Hutton said the Fire Department has been quite busy with COVID cases. The EMA is working with the Fire Department to track the "burn rate" (use of PPE). The original supply of PPE is running low, and the Department may have to resupply with the county EMA soon.

As mentioned last meeting, Engine 1915 has a leaking water tank and is out of service. Last week the water tank was removed. American LaFrance went out of business in 2006, however the manufacturer of the tank has been contacted and the tank repair should be covered under warranty. Chief Hutton expects another three to four weeks before the Engine's repairs are completed.

Call volume has been up this month, with a lot of EMS calls. The Fire Department began an automatic mutual aid plan with the City of Willoughby to assist in the State Route 306/I-90 corridor. This is a small cluster of buildings with Day's Inn, Red Roof Inn, medical offices, Interstate Square, Speedway, the corridor of State Route 306 and some of Interstate 90 Westbound; this area is quite busy. Being on the same radio channel and sharing the same dispatch, Willoughby can be en route right away if needed.

Last week there was a regional radio grant meeting with all involved departments. It was decided to wait and make the purchase next year, so the purchase can be included in the 2021 budget.

DEPARTMENT REPORTS (continued):

Council President Lowery asked how things are going for emergency personnel, and if there are any needs or issues to be addressed. Chief Hutton responded all are doing well, remaining cautious, and wearing PPE and protection on every call. Using an example of why these precautions are taken, Chief Hutton explained last week they responded to a normal EMS call that turned out to be a COVID case. He went on to say everyone is doing a great job and he is very proud of them.

Concerning the new ambulance, Chief Hutton advised that it will be delivered to Loudonville where the sales facility is located. When it is delivered, Chief Hutton and Matt Killeen will go to the site and inspect the vehicle. There will be some changes made on site and the ambulance should be arriving at the Fire Department mid-December.

Police Chief Lance Nosse advised the September monthly report has been distributed. Chief Nosse congratulated Officer Null and his family, noting that he was one of the 50/50 employees. Officer Null has transitioned from part-time dispatch and part-time officer to full-time patrol officer and is doing a great job.

Chief Nosse reminded everyone that "No Shave November" is coming up, and the officers participating have decided this year's donation will go to St. Jude.

He requested if anybody knows of a family or an individual that is in need, please get in touch with the Police Department so they can help that family.

Police Chief Nosse presented the Civilian Employee of the Year award to all the dispatchers that have worked with Kirtland Police Department over the course of the years. Dispatchers have spent countless time and energy to serve the City of Kirtland faithfully and honestly. The Civilian Employee of the Year award is being offered to all dispatchers, and their names will be placed accordingly in the Officer of the Year Memorial. Chief Nosse honored them for their outstanding performance and commitment to not only the Police and Fire departments, but also the Kirtland community. Those dispatchers receiving the award are: Amy Buchanan, Kelly Sather, Liberty Gorman, Shayna McCoy, McKenzi Pizzo, Kristin Kahley, and Alyssa Cheraso.

Police Chief Nosse then presented the Officer of the Year award to Officer Martin. Chief Nosse explained many facets are considered when choosing an officer to receive this award. Along with his demeanor and positive attitude, Officer Martin has shown professionalism and a willingness to learn and grow in his profession, while taking on a multitude of tasks with little to no supervision. Yet another example of Officer Martin's willingness to bring positive light to the Kirtland Police Department is his motivation in pursuing the possibility of K-9 officers. Officer Martin was joined by his wife when receiving the award and received applause and congratulations from all those present.

Chief Nosse advised Council that he was open to questions.

Councilman Smolic mentioned the 16 animal calls on the report, asking if said animals were wild or domestic. Chief Nosse stated almost all were dog-at-large calls, with multiple calls on one particular dog; hopefully the situation has been addressed.

Service Director Joseph Fornaro offered his congratulations to Officer Martin. He reported that the crews have been working on catch basin rebuilding for the last week, noting that seven have been rebuilt. The road patch work that is left to do will hopefully be completed on Friday. Currently crews are doing more catch basin rebuild in the Rocking Horse area.

The Service Department began prepping for snow and ice today for the upcoming season.

DEPARTMENT REPORTS (continued):

Councilman Schulz requested an update on the de-icing equipment. Mr. Fornaro said the Service Department is currently looking into a tank to slide into one of the service trucks to apply liquid de-icer. Mr. Fornaro has reached out regarding supply of the materials, but there have been no discussions of yet concerning storage or the making of brine. Mr. Fornaro is currently looking for funding, and if it's available there should be a tanker truck this year. When asked if the funding requested includes everything needed or whether there would be additional funding needed to outfit outside of the tanker, Mr. Fornaro explained the tanker would be a start. The next step would be to retrofit the salt trucks currently in the department, and then work on storage tanks.

Responding to Mr. Schulz concerning the ditch elimination program, Mr. Fornaro stated he had looked into the program and past issues with the program. The Service Department began ten ditch eliminations this year, as a trial on how to move forward. Under the new process, the resident will be required to supply their pipe and stone, at their cost, which will be delivered to the Service Department. The Service Department will then provide the labor at no charge to the resident. This has not yet been posted on the website, as these first ten are being considered as a trial; any necessary tweaks to the process will be put into place before the program will be made available to other residents.

Mr. Schulz then brought to Mr. Fornaro's attention the concerns of a resident on Ledgewood Drive, who had to fell a tree due to root problems caused by continued erosion and drainage issues.

Also, Mr. Schulz asked Mr. Fornaro to speak on the progress being made with the land behind the library being transitioned into a youth soccer field. Mr. Fornaro reported the soccer field has been completed, using about seven yards of topsoil. The area was hydroseeded twice, in mid-August and a few weeks ago. The crews have been cutting the grass and the field will be ready for spring.

Mr. Schulz thanked Mr. Fornaro for his work with the school and the Paint the Plow program.

Mr. Smolic asked for more detail on the advantages of the brine trucks pre-soaking the roads. Mr. Fornaro explained that the brine will water down the salt. Salt does not react until it breaks down, so when salting the road, adding water speeds up the process of de-icing the roads. The tanker truck will be a pre-treatment. Once the tanks are added to the salt spreaders, the salt will be wet as it is laid on the road.

Economic Development Manager Monica Drake reported she has been informed the former Endura Plastics building is now under contract. The purchase is confidential, but the broker did share that the buyer is a machine shop. This will create jobs in the city.

The property on Route 6 that was auctioned has not yet transferred.

A spreadsheet has been provided by request of Councilman Schulz, and Ms. Drake hopes it provides sufficient detail; she said she will be happy to answer any questions.

City Engineer Douglas Courtney received an e-mail from Ronyak advising him the start on the 2020 street rehabilitation was pushed to Wednesday due to rain.

Mr. Courtney and Mr. Fornaro are still working on the 10-year street plan and should have information soon for review.

Answering a question brought up previously concerning the TBD (to be determined) items on the fee schedule adopted at the last Council meeting, Mr. Courtney advised that many of those items are bond-related, meaning a bond will be required based on cost. Therefore, the fee cannot be set until the cost of the project is known. Others were related to construction phase services such as inspections and services

DEPARTMENT REPORTS (continued):

during construction. Those fees are generally based on the contractor's schedule to complete the work. A more detailed explanation was sent to Mayor Potter earlier in the evening and will be forwarded to Council shortly.

With regard to the Cocca property, Mr. Courtney noted that he spoke to John Niedzialek of Lake County Soil and Water, who confirmed tree clearing alone does not trigger the need for silt fence. However, after discussing with Mr. Courtney the City's definition of land disturbance, Mr. Niedzialek spoke with the property owner and there will be silt fence installed shortly.

Law Director Matthew Lallo addressed the clerical error in Issue 3 (proposed Charter amendment relating to the mandatory zoning referendum). Mr. Lallo accepted responsibility and apologized for the error, stating he'd read through it many times without realizing it stated Article 7 and not Article 5. After it was brought to his attention a week ago, Mr. Lallo contacted the Board of Elections, who then reached out to the Secretary of State's office and the County Prosecutor. The saving grace is the issue itself does properly list the text of Article 5. The Board of Elections and their counsel, the Lake County Prosecutor, and the Secretary of State's office made the determination that the error was not substantive but merely typographical; therefore, it can proceed. The Board of Elections issued a Notice of Correction, which has been posted to the city website. The Notice of Correction will be mailed to voters who request an absentee ballot; it is on display at the Board of Elections and will be posted on every voting machine at both polling places on Election Day.

Mr. Lallo thanked the resident who brought the error to his attention and apologized again for the confusion.

Mr. Lallo advised he has been in discussions with Finance Director Mary Kovalchik, who is the point person for the bi-annual audit. With the audit, there are a number of different issues. One change coming to the City due to the audit is a new public records policy. This will include a point person that all requests will funnel through, with responses handled in a reasonable amount of time. There will also be a way to log or track the process.

Mr. Lallo recommends all employees go through Sunshine Law training with the State Auditor's office and receive certification. He will be sending everyone a link and asks that each department head keep track of their employees' certifications. Mr. Lallo went on to say this training would be helpful in the areas of public records and public meetings. Answering Mrs. Wolfe, Mr. Lallo confirmed that Council members will also be able to complete the training.

Assistant Finance Director Louis Slapnicker advised that the August month-end has been closed and reports were distributed.

The September report has been reconciled, however there is additional COVID-19 reporting to complete before the month is closed out and reports can be distributed.

The new system is making progress. All purchase orders are in the system, along with the budget, and progress is being made on payroll parallels.

Mr. Slapnicker requested that Ordinance No. 20-O-57 relating to the amended appropriation be passed tonight so state reporting deadlines can be met. Ordinance No. 20-O-52 relating to public depositories can receive three readings; this provides authorization by Council to hold deposits with the banks listed in the Ordinance.

Council President Lowery confirmed that the Finance Committee meeting will be held after the Council meeting.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter congratulated Officer Michael Martin on receiving the Officer of the Year award, stating Officer Martin always has a warm and friendly attitude.

Mayor Potter also congratulated Officers Null and Godfrey, who recently became full-time patrol officers.

The Mayor advised that the Service Department will be doing a second round of brush pickup. Weather permitting, this will occur the week of November 2nd for Wards 1 and 3, and the week of November 9th for Wards 2 and 4. This is, of course, weather permitting.

Mayor Potter advised that a new mechanic has been hired in the Service Department, beginning October 30th. After going a few years without a mechanic, it is a bonus this new hire is certified to work on fire apparatus.

The Mayor noted that next Tuesday, Mrs. Kovalchik will be available for a Finance Committee meeting, which Council President Lowery will be speaking about later.

Mayor Potter thanked the members of the Charter Review Committee for their excellent work in getting through the charter review process, especially with the COVID situation. The Mayor thanked Judge Larry Allen, Jim Young, Cathy Knaak, Kat Torok, John Clapacs, Sheila Dikowicz, Dave Freeburg, Mike Young and Rick DeMarco.

The Mayor addressed the three ballot issues relating to the proposed Charter amendments. Issue 1 seeks to eliminate the Lake County residency requirement for directors of City Departments. Referencing Mr. Lallo's comments during the work session, Mayor Potter said this is more a housekeeping issue. The requirement is in the Charter, however it's not enforceable due to state statute and state Supreme Court rulings.

Issue 2 seeks to add the opportunity for any Mayor in the future to convene a Charter Review Committee more than every year ending in zero. He stated it is plausible that a Mayor could serve two four-year terms and never have the opportunity to visit any Charter issues before the community at the time. This does not guarantee that a mayor would convene the committee outside of those 10 years, but it would allow for the possibility.

Issue 3 on the ballot concerns the streamlining of the zoning process. The issue proposes to eliminate the mandatory zoning referendum and offers a more flexible and streamlined rezoning process. Mayor Potter acknowledged there have been many questions regarding this issue, noting that residents can contact him, Council members, Law Director Matt Lallo or Ms. Drake, and they would be happy to discuss it.

Mayor Potter said he would be voting in support of all three issues and looks forward to seeing how the community weighs in on all three issues.

The anticipated Old Town sewer schedule was posted on the City website. Mayor Potter thanked Councilwoman Wolfe for her willingness to meet with him, Mr. Fornaro and Mr. Courtney to move the process forward. Hopefully community neighborhood meetings will begin next month to discuss cost and timeline.

Councilman Schulz asked Mayor Potter to speak on the ability to secure part-time plow drivers for the season, to which Mayor Potter said two potential part-time seasonal workers have been interviewed by Mr. Fornaro. Ms. Petersburg will be asked to advertise the position on the City's Facebook page.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Councilman Schulz requested an update on the cell tower. Mayor Potter stated that Verizon currently has everything installed. Mr. Styles has been asked to contact Mr. Fornaro if he should need anything from the City to complete the project. Mayor Potter said he would e-mail the schedule to Council as soon as it's received from Mr. Styles.

Councilman Schulz inquired about the status of union negotiations for Police, Fire, and the Service Department. Mr. Lallo responded that the Police union has begun negotiations.

STANDING COMMITTEE REPORTS:

Council President Lowery reminded those present that the Finance Committee meeting will be held following tonight's Council meeting. As mentioned by the Mayor, Mrs. Kovalchik and the Finance Committee would like to convene a Finance Committee meeting on October 27 at 6:30 p.m. to discuss road funding.

Councilman Schulz stated he would like to hold a Utilities Standing Committee meeting on November 4 following the regular Council meeting, to discuss the material provided by Ms. Drake regarding the TIF analysis. Mr. Schulz stated he will confirm the meeting date with the other members.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sharon Vyskocil, 8415 North Locust Drive, voiced concerns over carbon monoxide dangers. She stated a few weeks ago a neighbor had covered their chimney with plastic while a furnace and gas water heater were running in the house. She was concerned that when she called to report this to the Fire Department they did not physically come out and look at the situation, yet told her there was no danger of carbon monoxide to her neighbors. Chief Hutton explained it would depend on what exactly was covered as to whether or not there was a danger. Councilman Haymer added to the conversation that many furnaces do not use chimneys; high-efficiency furnaces and water heaters vent through PVC pipe and do not use the chimney. Chief Hutton went on to explain if it's a wood burning fireplace chimney that is being covered and the fireplace is not being used, most likely it is not an issue. However, a gas appliance with a vent covered would be a problem. Chief Hutton said he would follow-up on the report.

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

None.

ORDINANCE NO. 20-O-52
(Mayor Potter)

- **(Second Reading) - AN ORDINANCE DESIGNATING
FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**

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

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

ORDINANCE NO. 20-O-57 - **AN ORDINANCE AMENDING ORDINANCE NO. 20-O-51**
(Mayor Potter) **RELATING TO THE APPROPRIATION FOR THE YEAR**
2020.

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. Upon the request of Mr. Smolic, Mr. Slapnicker explained the four changes in this ordinance, from the prior amended appropriation. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Ruple. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LOWERY. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Schulz recognized some members of the community and their families. He congratulated Tom and Edna Calvert and their son, Danny Calvert, who became an Eagle Scout in Troop 286 in the City of Kirtland. He also congratulated Council President Lowery and his wife Stephanie, and their son, Tim, who also became an Eagle Scout in the City of Kirtland. Mr. Lowery said it was an honor and a privilege, all due to his son's hard work. He went on to say Eagle Scouts go through an awful lot to achieve that status.

Mr. Schulz stated that National Teen Driver week is upon us and asked everyone to talk to their teen about safety, and texting and driving, especially for new drivers going into the winter season. Extra positive reinforcement can make a difference.

Mr. Lowery said the Kirtland football game is the same night as Halloween and wanted everyone to be aware of the challenges it presents.

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. Schulz moved to adjourn, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote and the meeting adjourned at 8:08 p.m.

President of Council

Clerk of Council