

## KIRTLAND CITY COUNCIL MINUTES

January 4, 2021

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. Council President Lowery advised that due to the distraction and to follow Roberts' Rules of Order, the chat feature of the Zoom meeting will not be utilized going forward; he noted there are opportunities during the meeting for the community to share comments, concerns and questions. The members of Council present were: John Lesnick, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe. Scott Haymer joined later in the meeting.

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

### MINUTES OF THE DECEMBER 21, 2020 WORK SESSION:

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

### MINUTES OF THE DECEMBER 21, 2020 COUNCIL MEETING:

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

### MINUTES OF THE DECEMBER 21, 2020 FINANCE COMMITTEE 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 6/0 (VOTING YEA: WOLFE, LESNICK, LOWERY, RUPLE, SCHULZ, AND SMOLIC. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised the December and year-end statistics will be distributed by the next Council meeting.

On December 23, Firefighter Dan Samf participated in the Governor's press conference by giving Dr. Carol Cunningham a COVID vaccine. Dr. Cunningham encouraged all EMS personnel in Ohio to get the vaccine. Chief Hutton noted that Kirtland firefighters were surveyed and all who wanted the vaccine have already received it; the Police Department will hopefully be scheduled soon.

The new ambulance was put into service just after the last Council meeting, and it is getting a lot of use. During the bad weather over Christmas Eve and Christmas day the Department was able to make use of the four-wheel drive feature; the ambulance drives well and provides a smooth ride for patients.

**DEPARTMENT REPORTS (continued):**

Responding to a question from Councilman Smolic, Chief Hutton said the Moderna vaccine is the vaccine Lake County has available. This vaccine requires two doses, given 30 days apart.

**Police Chief Lance Nosse** advised the December and year-end reports will be distributed by the next Council meeting.

The Police Department ended the year on a good note, with nothing major to report in the last couple of weeks. Chief Nosse noted the "shop with a cop" program went very well.

Councilman Smolic asked if the holiday celebrations had been tamer due to the early closings, to which Chief Nosse said it was a help. There were some calls received about gun shots, explosions, and things of that nature on New Year's Eve.

**Service Director Joseph Fornaro** thanked the Public Works team for the long and hard hours the crews worked during the holiday snowstorm. This caused them to miss time with their families, and Mr. Fornaro wanted to make sure they knew it was appreciated.

Mr. Fornaro stated to date there have been nine snow events, with salt usage of approximately 900 tons.

Councilman Schulz inquired about a skid steer he saw on the road the day after Christmas; Mr. Fornaro advised that the City's loader was out, but not a skid steer.

Councilman Smolic noted that the Service Department did an outstanding job clearing the roads on Christmas Eve and Christmas day.

**City Engineer Douglas Courtney** began with an update on the Old Town Sewer project. Resolution 20-R-72 authorizing the design proposal to be signed by the mayor is on tonight's agenda for third reading. The design loan application for the project was submitted to WPCLF on December 4. Mr. Courtney has been coordinating with the EPA and answering questions regarding the application. The loan amount is expected to be \$351,300. This includes the \$318,300 applied for by the City, and the EPA added a \$33,000 contingency.

Mr. Courtney noted he answered questions on the OPWC application prior to it being sent to Columbus by the County, so there should be no problems with that application.

The Administration is continuing to work with the Department of Utilities to set up and coordinate community meetings.

Due to the late October rains, Wisner Road experienced some washouts of the streambank stabilization work that had recently been done. AES, the design build contractor that did the work, has quoted the repair costs at \$61,642. A change order has been provided to Council this evening for discussion.

Mr. Courtney explained after reviewing the washout area with AES, Lake County Soil and Water, and the Chagrin River Watershed Partners, it was determined there were two issues. The vegetation that was planted in the bank did not have time to get established and there was water coming in from the back side of the slope below grade. The combination of these two issues allowed the material to soften and created a slide when the river came up.

Everything was constructed in accordance with the plans developed by AES; they are taking some responsibility and will be redesigning and managing the construction repair. The cost of this is estimated at \$9,000, and it will be submitted to Lake County Stormwater for reimbursement.

**DEPARTMENT REPORTS (continued):**

Responding to Council President Lowery, Mr. Courtney said his understanding is that the full cost of \$61,000 would be reimbursed by Lake County Stormwater. The request has been made and the information sent; it was noted it will come out of money currently set aside for the City. Concerning the balance, Mayor Potter believes there should be enough available due to the carryover monies from 2020.

Responding to Councilman Lesnick, Mr. Courtney confirmed this was not a default in the work AES originally did on the project. The original project had a limited budget and AES designed to fit that budget. This was handled prior to Mr. Courtney's appointment as City Engineer, and he has not yet researched the full history of the project concerning budget and design. Following discussion, Mayor Potter advised there will be a resolution for a change order forthcoming, along with legislation for a temporary appropriation amendment.

Councilman Lesnick asked that Mr. Courtney provide information concerning the different areas that the Chagrin River Watershed impacts the City of Kirtland.

Councilman Smolic asked what time of year the project, if approved, would be scheduled. Mr. Courtney stated he would like to have it scheduled as soon as possible to avoid more loss of the slope. The weather will have to be taken into account; however he would prefer to see it completed sooner rather than later.

**Economic Development Manager Monica Drake** advised she's been doing follow-up work on the Economic Development meeting from last week.

Ms. Drake suggested that income surveys be sent to residents in the Old Town area during February and March, if the City intends to prepare applications for any community development block grant funds for financial assistance. The applications for the grants are due by the end of April.

Councilman Smolic asked for more information on the income survey, to which Ms. Drake responded she and Mayor Potter met with Rhea Benton and David Radachy from Lake County Planning. Ms. Benton manages the community development block grant program, and advised Ms. Drake and Mayor Potter that though the city itself as a whole does not qualify for the grant, there is the option to look at pockets of neighborhoods. In these instances, a survey can be sent to certain areas and these "pockets" may qualify for financial assistance. This can be used not only for installation of the sewers, but also for potential money for tie-in fees when the time comes. Ms. Drake suggested that by having an idea of where the residents stand financially, the City will be more able to determine how they can be helped financially with the tie-in fees.

**Law Director Matthew Lallo** advised that the collective bargaining agreement between the City and the Police Department has been signed, and he will be meeting with the union representative for the Fire Department on Wednesday to have that agreement signed.

Mr. Lallo said Resolution 21-R-1, on tonight's agenda under New Business, gives the City blanket authority to place unneeded/unwanted/obsolete personal property owned by the City on the website govdeals.com. This is something the City has participated in previously and the resolution on the agenda is simply a yearly renewal of authority. Mr. Lallo did not request passage of the resolution tonight, as there is nothing he is aware of that needs listing right now.

Responding to Councilman Smolic, Mr. Lallo responded when an item needs to be listed it typically is placed before Council for authorization. Mayor Potter added that with regard to smaller items, a list is prepared for Council of the items placed for auction on govdeals.com.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter thanked the Service Department workers, Fire Department personnel, and Police Department personnel for their hard work and sacrifice of family time during Christmas Eve and Christmas day. He went on to say from all accounts he heard from other people, the roads in Kirtland were as clean as any around, and he praised the Service Department for their hard work.

Mayor Potter thanked City Council for their hard work on controlling costs in the City and making the Kirtland City Government the best it possibly can be in terms of efficiency and service to the residents. Mayor Potter thanked the Department Heads for making all of that happen this year.

The Mayor stated that addresses of the property owners in the Old Town area are being compiled so letters can be sent inviting them to an upcoming community forum. Therefore, anyone who has not seen the presentation online can have access to a hard copy of what was disclosed in the presentation. The Mayor stated the community forum will have to be in a Zoom meeting format, noting that he and Councilwoman Wolfe can meet with those not able to participate. The meeting will cover the backdrop of the project and how it will be executed over the course of the next four to five years. The timeline, who is affected, and cost will be a large part of the conversation, including what the City is doing to control the cost to residents.

Mayor Potter expressed his support for Resolution 20-R-72 which is on third reading tonight.

Mayor Potter advised Council of the timeline for the budget meetings. Mrs. Kovalchik will send electronic invites for each meeting. A meeting will be held with Department Heads next week; discussions will include process and setting expectations. Individual meetings will then be scheduled with Department Heads and are expected to be completed by January 22. Next week Mayor Potter, Mrs. Kovalchik, Mr. Slapnicker, and the Chair of the Finance Committee, Councilman Lesnick, will meet to discuss the forthcoming budget. The first reading of the budget is expected at the first Council meeting in February. However, if the budget has not been finalized by that date there will be a draft version presented for discussion. This timeline will place the City ahead of last year's timeline and allow for as many Finance Committee meetings as necessary.

Mayor Potter then introduced Teresa Szary, the new Community and Senior Center Coordinator and asked that she speak of the reopening process of the Community/Senior Center.

Ms. Szary advised that a survey has been sent to all registered members of the Senior Center. Due to difficulties at the post office some members received their survey the following day and some did not receive it until this past Saturday. Sixteen percent of the results have been received, and there are a lot of opinions and suggestions from the seniors. She has been working on communication, including bringing back a monthly newsletter, beginning a weekly email, and working on the website. Ms. Szary has been in communication with area senior center coordinators, the Health Department, and instructors. She said the best part of her job so far has been getting to know the seniors, and she is looking forward to the Senior Board Meeting this Wednesday. Concerning the reopening, Ms. Szary stated she has a 10-point plan for reopening safely, which will be posted in the January newsletter and placed on the website. Ms. Szary expects to reopen in early February.

Councilman Schulz asked for an update on the Verizon tower that was discussed last meeting. Mayor Potter said he was informed that in April the City began receiving the \$2500 monthly disbursements for the cell phone tower even though it's not yet operational. When asked if equipment had been placed on the tower yet, Chief Nosse said his department had installed some equipment on site and was able to find a less expensive way for better communication with the Service Department by making use of a repeater that was at Station 2. This saved quite a bit of money, and the radios should be programmed by the end of the week, allowing for seamless communication.

**STANDING COMMITTEE REPORTS:**

Councilman Lesnick reported the Economic Development Standing Committee met twice in the past couple weeks. There is also a meeting scheduled this Wednesday, January 6 at 4:30 p.m.

**CORRESPONDENCE:**

None.

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

**Bob Genovese, 7719 Joseph Street**, asked if there was any stormwater funding available for the Old Town project. Mr. Courtney said Lake County Stormwater deals with stormwater issues and the Old Town Sewer is a sanitary sewer project, therefore the Old Town project will not qualify for any funding through Lake County Stormwater.

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

None.

**RESOLUTION NO. 20-R-72  
(Mayor Potter)**

- (Third Reading) - **A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE THE CITY ENGINEER'S PROPOSAL FOR SERVICES RELATED TO PHASE I AND PHASE II OF THE OLD TOWN SANITARY SEWER IMPROVEMENTS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Answering Mr. Schulz, Mr. Courtney stated the \$351,300 includes the contingency. Referring to pages 7 and 8 of the proposal, Mr. Schulz inquired about the hourly billing. Mr. Courtney explained that the agreement with the City is structured so that certain items are base design services and other services are supplemental. Items that generally fall in the supplemental category are difficult to estimate in a lump sum due to the nature of the work; therefore, they are listed as hourly services. Answering Mr. Schulz, Mr. Courtney stated the Lake County standards will be followed, since they will own and operate the system. Responding to Mr. Schulz, Mr. Courtney advised that recording fees are generally in addition to fees shown in the proposal; they will cover those fees if there is enough within the quoted amount. Answering Mr. Schulz, Mr. Courtney stated that items 1 through 6 are not missing on page 7; there is a typographical error in the paragraph numbering. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. Mr. Courtney advised that the EPA is planning for a January 28 design loan award. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, AND SMOLIC. VOTING NAY: NONE).**

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

None.

**NEW BUSINESS (continued):**

**RESOLUTION NO. 21-R-1**  
**(Mayor Potter)**

-       **A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**

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

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**COUNCIL COMMENTS:**

There was discussion regarding the scheduling of the combined meeting between Council and Planning and Zoning. Mayor Potter stated that Mike Denk, Chairman of the Planning and Zoning Commission, suggested holding the meeting an hour before the regular Planning and Zoning Commission meeting next Monday. Upon agreement of Council members, the meeting was scheduled for Monday, January 11 at 6:00 p.m.

Councilman Lesnick inquired if there has been any follow-up from the Road Funding subcommittee. Council President Lowery stated that the subcommittee was asked to submit a report by February 1. Councilman Schulz said he will be sending an e-mail to the Mayor requesting some background information, and then a meeting date will be scheduled. Mayor Potter advised he has spoken to a few residents who come from various backgrounds that would complement the group. He also suggested putting out a community survey. Following further discussion, Mr. Schulz stated a meeting date of the subcommittee will be forthcoming.

**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 encouraged all those present to consider receiving a COVID-19 vaccine once it is available to the public.

**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 8:04 p.m.

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President of Council

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Clerk of Council