

## **KIRTLAND CITY COUNCIL MINUTES**

**March 1, 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. 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, Assistant Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

### **MINUTES OF THE FEBRUARY 17, 2021 FINANCE COMMITTEE MEETING:**

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

### **MINUTES OF THE FEBRUARY 17, 2021 COUNCIL MEETING:**

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: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

### **DEPARTMENT REPORTS:**

**Fire Chief Anthony Hutton** advised that Captain Tony Catania has done a great job with the Fire Department training. All three shifts, including some part-timers, recently trained on ice rescue at Lake Farm Park. This is the first time the Department has been able to participate in ice training for a couple of years, due to ice not being thick enough.

Chief Hutton congratulated part-time firefighter Mason Reimer for his recent graduation after passing the paramedic test.

The Fire Department recently submitted a grant for extrication tools and hopes to hear back shortly.

Today tentative approval was received on the grant concerning the diesel exhaust at Station 1. Last year the Department completed Station 2 and had funds remaining from that project. Therefore an amendment was submitted to begin work on Station 1, and it was tentatively approved today.

The Fire Department has been working with several other departments on a radio bid. Chester Fire Department is handling it, but it had to be sent out to bid; hopefully the grant will be available by July.

Steve in the Service Department has been doing a great job on the vehicle maintenance for the Fire Department. Chief Hutton agreed with Mr. Fornaro's earlier comment that it will probably take a year or more to catch up on everything, due to COVID. Chief Hutton expects the Department to stay within their current budget.

**DEPARTMENT REPORTS (continued):**

Chief Hutton spoke regarding Ordinance 21-R-13, which is the EMS billing contract. Medicount Management is the same company that has been used for the past 15 years. Chief Hutton has been pleased with their service. The contract and annual report were reviewed, and there are no changes to fees.

Mr. Smolic asked about the maintenance on the emergency vehicles, to which Chief Hutton explained all of the vehicles have had small issues or routine maintenance. There will be an ambulance sent back to the manufacturer tomorrow for work because the Department has gone through two circuit boards in the past three years.

**Police Chief Lance Nosse** advised the monthly report would be distributed by the next Council meeting.

Chief Nosse announced that Officer Phillips, after 19 years of service in Kirtland, has decided to retire effective March 13, 2021. Chief Nosse and the Department wish her the best of health and luck in the future.

Chief Nosse reported the Department is current with all standards set by the Ohio Collaborative. The Collaborative is a joint program many departments participate in which sets policies and standards. Examples of these would be policies on pursuit, use of force, chokeholds, body cameras, and more. Chief Nosse is pleased the Department was found to be current on all policies.

Chief Nosse acknowledged his assistant, Cindy Gabor, for finding a solution to the speed tracking device needed by the City. A company called All Traffic Solutions has a program awarding a free speed tracking device twice a month to smaller departments. The Police Department is part of the first group of recipients of the giveaway. The speed trailer will be more advanced than the one seen on the road, with a message board included and the ability for more visibility and tracking of speed situations. This will help in areas where numerous complaints have been received.

Answering Council President Lowery, Chief Nosse said he expects the speed trailer to be delivered within a month and he hopes to have it in service in April.

**City Engineer Douglas Courtney** began with an update on the Old Town sewer improvements. Mr. Courtney spoke with Randy Rothlisberger of Lake County Department of Utilities today, concerning whether or not the County could apply for the Old Town sewer loans. Mr. Rothlisberger recently spoke with their bond counsel and asked they research the issue, and will soon be meeting with the County's Finance Director on the same subject. Mr. Courtney expects an update tomorrow and will forward an email to Council when further information is available.

Concerning Wisner Road streambank stabilization and the change order passed at the last meeting, Resolution 21-R-15 on tonight's agenda relates to that change order and a Memorandum of Understanding with the County to pre-fund the project.

Regarding street repair and maintenance, Mr. Courtney stated that as soon as numbers are available concerning pavement coring, he will present them to Council.

**Assistant Finance Director Louis Slapnicker** advised the January 2021 end of month financials were released this afternoon and should be on the website tomorrow.

Mr. Slapnicker stated this is the first year detailed reporting for January has been presented to Council. These reports will continue through February and March; in April Mrs. Kovalchik will present additional detailed reports. These reports will take into consideration conversations that occurred throughout the budget process in relation to information Council would like to see reported.

**DEPARTMENT REPORTS (continued):**

The Finance Department has two items on the agenda this evening. One is an amendment to the temporary appropriations, consisting of two changes in regard to PERS and the road levy. The other item is the transfer ordinance, which is also related to the budget currently being discussed.

The Finance Department will begin working on processing reports and forwarding them to the GAAP converters, who are individuals from Local Government Services within the state of Ohio. They help to convert the accounting method from a cash basis to a full accrual, and the State audits that information.

Answering Council President Lowery, Mr. Slapnick requested that Ordinance 21-O-14 be approved tonight.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter announced that the community lost Mr. John Bodmer last week. Mr. Bodmer was known to most in the city and was a good and decent man. Mayor Potter expressed his condolences to the family for their loss.

Mayor Potter noted the budget discussion went well tonight. There were a lot of good questions asked in the meeting. Mayor Potter thanked Mrs. Kovalchik for her patience and working through the report line-by-line. He also thanked those present for working to understand how the numbers all come together, noting the hard work by Mrs. Kovalchik and Mr. Slapnick in the Finance Department.

Today Mayor Potter met with the west-end mayors, which consisted of Bob Fiala, Andy Gardner, Dennis Morley, Rich Regovich, and John Barbish. These meetings will occur quarterly, as there is a good deal of activity between the cities. There is a good working relationship between the west-end cities.

With regard to the Senior Center, Teresa Szary is getting a lot of compliments from residents and seniors. Ms. Szary and Mr. Lallo met last week to lay out a plan to establish policies and procedures, as well as an employee handbook. This is something the City has not had available; it should bring some clarity to employees on expectations, making sure the employees have everything needed to perform their jobs on a daily basis in a uniform fashion.

Resolution 21-R-11 and 21-R-12 are on first reading tonight, related to the Finance Director and Assistant Finance Director appointments. Mayor Potter noted he would like to see those resolutions pass in the next meeting, stating Mrs. Kovalchik and Mr. Slapnick have worked very hard in the past two years, and the level of detail that has been brought to the Administration and Council has brought the City to a level not experienced before.

Tomorrow Mayor Potter will be meeting with Ms. Drake, Ms. Szary and Mrs. Gabor to discuss some infrastructure grants. Mrs. Gabor has been integral in obtaining grants for the Police Department in the past. They will discuss a few different grants and opportunities to determine what is appropriate, pertinent and attainable for the City of Kirtland.

**RETURN TO DEPARTMENT REPORTS:**

**Service Director Joseph Fornaro** reported there was not much snow this week; the crews have begun work on berms, ditches, and cleanup. The hotbox has been a great tool for the crews and makes temporary patching a lot easier.

**DEPARTMENT REPORTS (continued):**

Mr. Schulz brought to Mr. Fornaro's attention a tree he is concerned about at the North Cemetery, adjacent to Maple. The tree has been dead a few years, and Mr. Schulz is concerned about repercussions if the tree were to fall either on the fence and headstones or on State Route 306, depending on what direction it would fall.

Mr. Schulz went on to say he noticed flooding on Saturday at the south Police driveway; water was topping the curb and traveling north on State Route 306 to the catch basin by the library.

Relating to the road paving plan, Mr. Schulz stated he is aware maintenance is bundled in that plan. Answering Mr. Schulz, Mr. Fornaro stated that striping, guardrails, and signage were discussed previously. Striping and signage have their own category in maintenance; guardrails need to be looked into deeper, but it is rolled into maintenance.

Mr. Fornaro stated that once the funding is passed, tree damage will be addressed.

Mr. Ruple stated he's been hearing from residents on Billings Road about some holes that have developed with the freezing/thawing cycle and asked if the hotbox could be used to seal up some of the holes. Mr. Fornaro said there was patching done on Billings Road on Thursday and Friday, but he will take another look.

**STANDING COMMITTEE REPORTS:**

Council President Lowery noted there will be a Finance Committee meeting held at 5:30 p.m. before the next Council meeting.

**CORRESPONDENCE:**

None.

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

**Kevin Eilerman, 8066 Pinehurst Drive**, stated that he is the owner of Nexus Software and co-owner of EFP Properties; both businesses are located at 9165 Chillicothe Road. Mr. Eilerman addressed recent postings on social media concerning both himself and his businesses, saying he does not typically address comments by those who do not identify themselves but he felt the need to address a recent posting that has appeared multiple times. The posting read, "Kevin Eilerman was to move his corporate headquarters from North Carolina to Kirtland, with significant payroll and much-needed taxes, but is now looking at other communities given how difficult building is in Kirtland."

Mr. Eilerman stated in 2015 his company purchased a building at 9165 Chillicothe Road with the intent, publicly stated, to move the company headquarters to Kirtland. As associates in North Carolina retired the plan was, and remains, to move those positions to Ohio. Mr. Eilerman stated when the building was purchased on Chillicothe Road, the company knew they may someday outgrow the building and need to either expand the current location or relocate to a larger space.

In early 2016 it was announced the company's headquarters for Nexus Software was now located in Kirtland. In 2017 and 2018, prior to any retirements in North Carolina, new associates were hired with the positions being located in Kirtland. The first retirement from the company did not occur until late 2019. The company planned to begin hiring in 2020, but then COVID hit and slowed the hiring process.

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

However, the company did not have to lay off, reduce hours, or reduce salaries for current employees. The hiring of new associates was delayed, in good business sense, until projects stabilized. Moving forward, the company intends new positions to be located in Ohio.

The decision to expand the current property, or locate elsewhere, is based on many factors - willingness of the local community to work with business, building regulations and requirements, communication and openness of local government on all related subjects, and the availability of property that may meet the needs of the business.

Mr. Eilerman has personally listened to a few City meetings that had building projects on the agenda, and found reasons for concern on his part to consider Kirtland as a partner in future development. However, at this point no request has been made of the City by himself or any representative on his behalf with regard to the company's property.

Mr. Eilerman went on to say the City of Kirtland has been a great place to live for the past 22-plus years, and they have always been treated with courtesy and respect. He went on to encourage the City Administration and Council to work with businesses, both existing and prospective, to make Kirtland the place to be for business by encouraging growth, improvement, and a return to a sense of community.

Council President Lowery thanked Mr. Eilerman for his comments.

Mayor Potter addressed Mr. Eilerman's comments, referencing discussions between the two of them recently. He went on to say the City appreciates his business being here, and would love to see it expand. When the time comes, anything the City can do to help with that effort, his door is always open. Council members stated their willingness to help with anything Mr. Eilerman or his company needs.

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

None.

**ORDINANCE NO. 21-O-9** - **(Second Reading) - AN ORDINANCE SETTING THE**  
**(Mayor Potter)** **APPROPRIATION FOR THE YEAR 2021.**

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

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

None.

**RESOLUTION NO. 21-R-10** - **A RESOLUTION AUTHORIZING TRANSFER OF FUNDS,**  
**(Mayor Potter)** **AND DECLARING AN EMERGENCY.**

The legislation was read by title only and placed on First Reading. Mr. Slapnick stated this should be passed immediately following passage of the appropriation legislation.

**NEW BUSINESS (continued):****RESOLUTION NO. 21-R-11  
(Mayor Potter)**

- A RESOLUTION CONFIRMING THE APPOINTMENT OF MARY KOVALCHIK AS THE PART-TIME FINANCE DIRECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.

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

**RESOLUTION NO. 21-R-12  
(Mayor Potter)**

- A RESOLUTION CONFIRMING THE APPOINTMENT OF LOUIS SLAPNICKER AS THE PART-TIME ASSISTANT FINANCE DIRECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.

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

**RESOLUTION NO. 21-R-13  
(Mayor Potter)**

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MEDICOUNT MANAGEMENT, INC. FOR SERVICES NECESSARY TO THE COLLECTION OF RATES CHARGED BY THE CITY OF KIRTLAND FOR FIRE DEPARTMENT EMERGENCY MEDICAL AND RESCUE SQUAD SERVICES PROVIDED TO RESIDENTS AND NON-RESIDENTS OF THE CITY, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

**ORDINANCE NO. 21-O-14  
(Mayor Potter)**

- AN ORDINANCE AMENDING ORDINANCE NO. 21-O-8 PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE-MONTH PERIOD ENDING MARCH 31, 2021.

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Smolic moved to adopt, with the second by Mrs. Wolfe. Mr. Schulz asked for clarification on the amendment. Mr. Slapnick stated there were two changes, which include a reduction in the road levy funding as a result of a purchase order issued at the end of December 2020. The other change is the PERS portion, which is the matching portion the City is required to pay; he noted this was a timing issue with the conversion. He noted the net effect is an increase of approximately \$35,643. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

**NEW BUSINESS (continued):****RESOLUTION NO. 21-R-15  
(Mayor Potter)**

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF LAKE COUNTY COMMISSIONERS THROUGH THE LAKE COUNTY DEPARTMENT OF UTILITIES STORMWATER MANAGEMENT DIVISION, RELATING TO FUNDING FOR CHANGE ORDER NUMBER 1 FOR THE WISNER ROAD STREAMBANK STABILIZATION PROJECT, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mayor Potter explained this will give the City the opportunity to be pre-funded from Lake County Stormwater for the project instead of asking the County for reimbursement after the project has been completed. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

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**COUNCIL COMMENTS:**

Mr. Schulz referenced an article in the paper wherein the Mayor spoke about the road plan. He noted as a reminder that Charlesderry Road will be chip sealed this coming spring, relative to the Aqua contract. He then went on to thank the Mayor for including the seniors and the pickleball court in his 5-year capital request. Lastly, in looking at the 10-year plan submitted to Council for roads, it did not appear to show maintenance in 2027.

Mr. Schulz stated he received a call from a resident concerned about drainage projects. He said the 450 Storm Sewer Improvement fund has an appropriation of \$300,350 and residents would like to hear what projects are being considered in that funding.

Mayor Potter said he met with Mr. Courtney on Friday (Mr. Fornaro was unable to attend) to begin discussion on prioritizing the long and growing checklist of drainage issues. He noted that Council will be involved in discussions regarding prioritization of projects and which will move forward. He encouraged Council members to bring new and recurring drainage issues to the Service Director and the City Engineer.

Mr. Schulz mentioned the ongoing issues on Ledgewood Drive and Rockwood Drive.

Mr. Smolic stated that in the two service committee meetings held last summer, Mr. Fornaro and Mr. Courtney mentioned that most road projects will incorporate drainage before the road work begins.

**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. Schulz. 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