

KIRTLAND CITY COUNCIL MINUTES

March 15, 2021

The meeting of Kirtland City Council was called to order at 7:02 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. Lowery led the prayer which followed the Pledge of Allegiance. The members of Council present were: Scott Haymer, John Lesnick, Richard Lowery, Jeffrey Ruple, Joseph Smolic and Kelly Wolfe. Absent: Matthew Schulz.

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 Chief Lance Nosse and Fire Chief Anthony Hutton.

MINUTES OF THE MARCH 1, 2021 FINANCE COMMITTEE MEETING:

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

MINUTES OF THE MARCH 1, 2021 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the February report has been distributed.

COVID cases, hospitalizations, and transports are down. The Fire Department continues to work closely with the Health Department, working on the vaccine clinics. Currently there are three clinics set up every Wednesday. One is located on the west end, one central, and one east. Fire Departments are providing a lot of the vaccinators. Several of the Kirtland Fire Department personnel have worked the clinics, and it is going very well.

The Fire Department's equipment is currently running well, thanks to Steve (the mechanic). There has been discussion in the Finance meetings about capital, so Chief Hutton wanted to let everyone know the two 2002 American LaFrance engines will need replacement soon. The engines are requiring a lot more maintenance and money, and Chief Hutton will be preparing for an engine request for the 2022 or 2023 budget.

Answering Councilman Ruple, Chief Hutton advised that the cost of one engine would be approximately \$450,000 to \$500,000.

Police Chief Lance Nosse advised the February report has been distributed.

The Paxton door system has been installed and implemented. This is the key fob for the jail and the employee entry doors. Chief Nosse said the installation has made operations at the jail much smoother and easier.

DEPARTMENT REPORTS (continued):

The mobile speed sign has arrived; it is not elaborate but will get the message across. Chief Nosse will need Mr. Fornaro's assistance to mount the sign on a pole system, but it can be placed anywhere. Messaging can be placed for traffic to slow speed, children in the area, etc. Chief Nosse said he's hoping to get another one in the near future and is working with private donors for that purpose.

Service Director Joseph Fornaro said the crews took advantage of the spring-like weather last week, doing some lawn damage repairs. With the help of Willoughby, they were able to jet out some pipes in preparation for the upcoming rains.

There was some work done at the recreation park, installing approximately 70 tons of baseball clay into three fields.

Councilman Ruple expressed his gratitude for the pothole on Billings Road being fixed quickly.

Councilman Smolic also expressed his gratitude to Mr. Fornaro for the work done at the pump station for the septic/sewer at Ledgewood Drive and Rockwood Drive. The Service Department replaced the pump, capacitors, and a couple of switches.

City Engineer Douglas Courtney updated Council on the Old Town sewer project, saying on March 4th an email was received from a senior staff attorney at the EPA concerning the design loan application with the Water Pollution Control Loan Fund. The EPA's final decision is that the City does not qualify as a principal borrower or co-borrower due the lack of an adequate user charge system.

Following that email was another discussion with Randy Rothlisberger of Lake County Department of Utilities; their MOU indicates the County will finance sewer projects in the City of Kirtland. Mr. Rothlisberger indicated the County is willing to finance that project on behalf of the City, but it will not be an EPA loan. The County will use their customary financing mechanisms to finance the loan. If the Department of Utilities finances the project, they will control the job from design through construction. Mr. Courtney submitted his proposal to the Department of Utilities, slightly modified from that which he sent to the City. Therefore, he should get a contract with the Department of Utilities to design the job for them instead of for the City.

A change order for slope repair on the Wisner Road streambank stabilization project was executed and a pre-construction meeting is scheduled for tomorrow. The work is currently scheduled to begin the week of March 29th and should last two to three weeks. The contractor requested, and the City agreed, that Wisner Road will be closed at the work site location to allow the contractor to store materials and stage on the roadway. This will also allow the contractor to work more safely and efficiently, and lessen the time spent on the project.

There have been two proposals received from pavement coring and testing firms concerning street repair and maintenance. The lowest proposal was submitted by Solar Testing Laboratories and was forwarded to Mr. Fornaro and Mayor Potter for review. Once the project has been authorized, it should take two to three weeks to get cores taken and receive a final report.

Mr. Courtney has not yet had an opportunity to sit down with Mr. Fornaro and discuss the city-wide drainage issues, but plans to do so in the near future.

Mr. Fornaro advised Chief Nosse and Chief Hutton they will be receiving an email about the Wisner Road closure. Residents will also receive a letter. Road closure signs and detour signs will be placed.

DEPARTMENT REPORTS (continued):

Law Director Matthew Lallo advised there will be a new piece of legislation proposed at the next Council meeting, including a Memorandum of Understanding with the Kirtland Local School District for shared services with the City mechanic to assist them with mechanic services on busses. The school system has had issues with staffing recently. Mayor Potter and Mr. Fornaro went through the appropriate pay rate of the City's certified mechanic, and the established pay rate would be \$50.00 an hour, parts additional. Once Mr. Lallo has clarified a few items on the memorandum it will be presented to Council. This would be a temporary purpose MOU, only in effect through the end of June. The school hopes to hire a full-time mechanic by the beginning of the next school year.

Councilman Lesnick asked why the City was not considering a more long-term option for the school system, to which Mr. Lallo said there is concern over the amount of work and if one person can provide for all needs. Mayor Potter noted that this will give the opportunity for a trial with regard to the potential for any future shared service.

Assistant Finance Director Louis Slapnick advised the February end of month financials were released to Council this afternoon and will be placed on the website tomorrow.

Finance is still gathering information for the GAAP conversion. As a reminder, this is where Local Government Services with the State of Ohio convert the cash basis financial information into modified and full accrual, which is audited by the Auditor of State.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter began his report by congratulating Will Davidson on placing 3rd in the state wrestling tournament for the Kirtland Hornet Wrestling Team, as well as three other Hornets that qualified for the state tournament.

Mayor Potter, Teresa Szary, Cindy Gabor, and Monica Drake all met about 10 days ago to discuss grant opportunities. Ms. Drake reached out to the County for community development block grant dollars. This would potentially help some of the lower income residents concerning the Old Town sewer project. Most of the grants being researched pertain to infrastructure type work; however Ms. Drake sent an email to all department heads requesting a list of their department's needs or wishes in order to watch for those grant opportunities.

Mayor Potter thanked Teresa Szary for her efforts in developing a Mayor's Action Network. The idea is to create further connectivity between the civic, schools, churches, city government, and business community. The intent is to create more opportunities for neighbors to help neighbors in Kirtland.

Mayor Potter said it appears the City will qualify for up to \$1.3 million from the Federal government as a result of the latest stimulus package. The City will work diligently to understand how this funding can or cannot be spent, in an effort to be as effective as possible. One example of an approved expense would be broadband infrastructure, and Mayor Potter plans to work with Jim Gibbs of Fairsite Technology regarding a possible feasibility study for city-wide broadband internet, the associated cost, and the benefit for residents and businesses.

Concerning Resolution 21-R-11 and 21-R-12 regarding the appointment of the Finance Director and Assistant Finance Director, Mayor Potter asked that Council waive the three readings and pass the resolution tonight, as the contracts expire March 31. Mayor Potter praised both Mrs. Kovalchik and Mr. Slapnick on their work ethic and the job they have done for the City of Kirtland.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Concerning the budget appropriation, Mayor Potter thanked Mrs. Kovalchik and Councilman Lesnick for running efficient budget discussions. He then asked that Council amend the appropriation legislation to accept the updated Exhibit A, waive the three readings, and pass the legislation tonight.

The Mayor noted that once Ordinance 21-O-9 is passed, Mr. Courtney can begin work on the bid package for the 2021 road projects.

Mayor Potter updated everyone on the expected opening of the Community Center, saying the opening may not happen until May.

STANDING COMMITTEE REPORTS:

Councilman Lesnick said the most recent budget meetings have been the most thorough and best organized since he has been on Council. He expressed his appreciation for the meetings going so well.

CORRESPONDENCE:

Council President Lowery acknowledged the filing reminder for the Ohio Ethics Commission 2020 Financial Disclosure Statement; the deadline is May 17, 2021.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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

None.

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

The legislation was read by title only. Mr. Lesnick moved to amend the legislation to incorporate the updated Exhibit A, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** It was noted that the legislation reverts to Second Reading following the amendment. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Lesnick moved to adopt, with the second by Mr. Smolic. Mr. Ruple advised the public this budget is not set in stone as of today and can be amended in the future. Secondly, he went on to explain this does not mean with certainty that the additional borrowing referenced in the budget will occur. This legislation simply allows the Mayor and his staff to research opportunities. Any expenditures above \$25,000 are required to be presented to Council for approval. Mr. Lesnick stated, and Mr. Slapnicker confirmed, that the City must pass a budget by March 31. With regard to borrowing money, Mayor Potter noted that any bond ordinance must be approved by Council. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

OLD BUSINESS (continued):

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

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

RESOLUTION NO. 21-R-11 - **(Second Reading) - 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.**
(Mayor Potter)

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. Mr. Lesnick said it has been a breath of fresh air to get a new finance program and to have Mrs. Kovalchik and Mr. Slapnick in Finance. He stated that in the four years he's been on Council, this has been the most thorough and understandable budget process.

Mr. Ruple stated he is bothered by the increase in pay, concerning the need for a tight budget. Mrs. Wolfe mirrored Mr. Ruple's concern, using road funding as an example. If the City has to go to the voters, and there is a not a favorable result, the budget will become leaner and she is concerned for what that means for the city employees. In light of a pay raise for Mrs. Kovalchik and Mr. Slapnick, Mrs. Wolfe stated that while she greatly appreciates the work they do, since she has been on Council she has seen Mrs. Kovalchik only a handful of times and needs a little more accountability in order to approve a pay increase. Mayor Potter thanked Mrs. Wolfe for her sentiments, saying there has been a lot of discussion concerning tightening the budget, departments have been restructured, and other steps have been taken in the last year to control cost. That was all in an effort to save money and do the best job for the taxpayers. He stated that to accomplish these goals a team like Mrs. Kovalchik and Mr. Slapnick is needed, saying they spent hundreds of hours to rectify the past and existing finances; they oversaw a software conversion, handle COVID auditing, and allow for transparency and reporting that has not in the past been available. Mayor Potter explained that Mrs. Kovalchik and Mr. Slapnick have been working long hours, from early in the morning until late in the day. Further discussion ensued concerning the pay increases for Mrs. Kovalchik and Mr. Slapnick. Mr. Lesnick noted that having Mrs. Kovalchik and Mr. Slapnick handle the conversion for the new Finance software saved the City tens of thousands of dollars. Mr. Lesnick stated they took on the roles of Finance Director and Assistant Finance Director at approximately the same cost that the City had been paying for many years for a Finance Director.

Voting began on the motion to waive the three readings. **ROLL CALL: MOTION CARRIED 5/1 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC AND HAYMER. VOTING NAY: WOLFE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/1 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC AND HAYMER. VOTING NAY: WOLFE).**

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

OLD BUSINESS – RESOLUTION 21-R-12 (continued):

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. Mr. Lesnick pointed out that if the legislation were not passed for either the Finance Director or Assistant Finance Director, the City would need to once again transition to another Finance Director, possibly increasing the cost to the City. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Lesnick. Mr. Ruple stated that his issue is not with the job that has been done, but rather with the amount of the increase and lack of discussion justifying the increase. Discussion ensued concerning the pay increase. Mr. Lesnick stated he believes they were underpaid last year. Speaking to Mr. Slapnicker, Mrs. Wolfe said her concerns are not about his job performance, only the timing and the amount. She went on to say she hopes things go smoothly in the coming year, and she thanked him for the work he's done for the City. Council President Lowery added that the City has two reputable and expert individuals, and to start over again would be a step backwards. **ROLL CALL: ADOPTED 5/1 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC AND HAYMER. VOTING NAY: WOLFE).**

NEW BUSINESS:

None.

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COUNCIL COMMENTS:

Councilman Lesnick said he looks forward to the remaining discussions on appropriations and financing to move forward with the road program.

CONTINUING CONCERNS:

Council President Lowery noted that this is an opportunity for the public to address Council about any continuing concerns.

Kevin Eilerman, 8066 Pinehurst Drive, told Council he appreciates taking care of people. However, when a significant increase is provided for one group of an organization, and those that actually provide, protect, and save lives -- the paramedics, the Fire, the Police -- do not get a similar raise, he feels the community is missing the mark. As many on Council are aware, Mr. Eilerman has a child in that line of work in another city, and he sees the value brought to the community every single day and feels the money would be much better spent with the emergency services personnel.

Ron Fenstermaker, 8851 Billings Road, said he respects the job the Finance Department does, and wanted to express a similar message as Mr. Eilerman. Concerning the City's financial position, with reducing forces, making cuts, asking the taxpayers for money, road issues, he is sure Police and Fire did not get a 10 percent increase for their work during COVID. He does understand there may have been a bonus to these employees, but mixed messages are sent when these things occur and he believes it is a concern all should have. No matter how much discussion there is, it cannot be justified enough to give two individuals these types of increases when Departments are not seeing any increases, but are told not to spend money on maintenance and to watch overtime. Mixed messages are being sent, and there needs to be consistency.

ADJOURNMENT:

Mr. Ruple moved to adjourn, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 8:06 p.m.

President of Council

Clerk of Council