

## KIRTLAND CITY COUNCIL MINUTES

October 15, 2018

The meeting of Kirtland City Council was called to order at 7:08 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake. Police Sergeant Jamey Fisher was present in the absence of Police Chief Lance Nosse.

### MINUTES OF THE OCTOBER 1, 2018 WORK SESSION:

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 6/0/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: KIREK).**

### MINUTES OF THE OCTOBER 1, 2018 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: KIREK).**

### DEPARTMENT REPORTS:

**Economic Development Manager Monica Drake** advised that she will be joining the Planning and Zoning Standing Committee meeting following the regular Council meeting.

**Fire Chief Anthony Hutton** advised that the monthly report has been distributed. Chief Hutton stated that a roll-over accident occurred last night on Interstate 90 in Kirtland Hills; he noted that Concord responded first and Kirtland assisted with the traffic control.

Responding to Councilman Lowery, Chief Hutton noted that KLS alarms listed on the report refers to Kirtland Local Schools.

Councilman Lesnick inquired if it is possible for Council to receive the report electronically before the meetings, and whether it can be separated by emergency and non-emergency, from the standpoint of public relations. Noting that the report is generated through the Dispatch computer, Chief Hutton stated that he can check into possibly separating the Fire report.

Council President Potter commented on a recent medical call in his neighborhood, noting that he was able to see the emergency responders in action. Mr. Potter stated that he was impressed with their demeanor and their ability to stabilize the patient and make him feel comfortable; and he asked that the Chief pass along his appreciation for their efforts.

Responding to Councilman Smolic, Chief Hutton stated that the new vehicle is being used daily to respond to calls.

**DEPARTMENT REPORTS (continued):**

**Police Sergeant Jamey Fisher** advised that the monthly report has been distributed. Sergeant Fisher advised that the officers will be participating in "No-Shave November" this year; he stated that the Department is looking for families in need and requested that Council members provide names of anyone in need to the Police Department.

Responding to Councilman Lowery, Sergeant Fisher stated that the high number of traffic stops is probably directly related to the road paving.

Answering Councilman Schulz regarding the discharge of handguns, Sergeant Fisher stated that they get reports of shots fired, but they are generally not verified. He noted that the calls could relate to a blown transformer or weather related incident due to downed lines. Sergeant Fisher stated that the only verified shots are related to officers shooting animals.

Responding to Council President Potter regarding reports on Facebook of high coyote activity, Sergeant Fisher stated that he personally has not seen any coyotes and there have been no reports of animals being harmed by coyotes. Sergeant Fisher stated that if a resident sees a coyote, they should call the Police Department.

**Service Administrator Carm Catania** did not present a formal report. Responding to Councilman Schulz regarding striping that was done on Route 6, Mr. Catania stated that the entire contract for striping has not yet been completed; they are waiting on the weather to complete the striping. Mr. Catania noted that Route 306 and Booth Road are not part of the striping contract.

Mr. Schulz inquired about the ditch elimination along Route 306. Mr. Catania stated that the Department plans to resume that work as soon as possible.

Councilman Lowery inquired about the plate on Tibbetts Road. Mr. Catania stated that the plate is recessed, similar to the plate that was previously on Route 6. Mr. Catania stated that replacing the headwall at the crossover is a big project, noting that the plate will remain until that project starts. He noted that a design is needed for the project.

Mr. Lesnick inquired about a dead tree overhanging Far Bar Road. Mr. Catania stated that a letter will be sent to the property owner.

Mr. Lesnick stated that he has received inquiries from residents regarding patching. Mr. Catania stated that the Department has a list of patching that still needs to be done, and they will keep patching until the asphalt plants close.

Noting that some of the properties along Route 306 have already had drainage work done, Councilman Smolic stated that Mr. Schwartz of 11000 Chillicothe inquired about repair of his lawn and replacement of his apron to their prior conditions; he also inquired about drainage because of areas left too high. Mr. Catania stated that an additional yard drain will be installed, noting that they will try to complete the grading and aprons before winter where they have already done the drainage work.

Councilman Skrbis inquired if there has been any follow-up at 10993 Chillicothe Road. Mr. Catania stated that he spoke to the resident recently, noting that they will have to add some stone to the resident's driveway.

Mr. Skrbis inquired about the status of the mailbox on Hillcrest. Mr. Catania stated that he is working on this with the Law Director.

**DEPARTMENT REPORTS (continued):**

**City Engineer Philip Kiefer** did not present a formal report. He noted that the asphalt on Route 306 has been completed, but the loop detectors to control the traffic lights have not yet been reinstated. He noted that the striping is weather dependent.

Noting that the paving on Route 306 is nice, Councilman Lowery stated that there is a lot of water running across Route 306 that he never noticed before. He noted that this is occurring at various locations, including at the Pinehurst intersection and at the entrance to Chapin; and he stated concern about freezing. Mr. Kiefer stated that he and Mr. Catania will drive down Route 306 one day this week and take a look at this.

With regard to the plate on Tibbetts Road, Mr. Lowery inquired if there is a plan to fix that. Mr. Kiefer stated that he does not yet have drawings, but he is considering Mr. Schulz's suggestion about combining smaller projects, such as Tibbetts, Fox Hill and Gildersleeve, and packaging them together to bid at one time. He noted that they could be awarded separately or as one contract.

Mr. Kiefer stated that he received a comment regarding making Route 306 wider so bike lanes could be added. Mr. Kiefer stated that there would have to be a 5 ft. wide edge on each side of the road, with the same material thickness as the road, and it would be costly. It was noted by Council that this was discussed last year, but it made the project much larger. Councilman Schulz noted that it has been his experience that, with the speed limit on Route 306, serious bicyclists would be in the road; and he would personally not feel safe having his family ride on a bike lane adjacent to Route 306 due to the higher speed of traffic.

Mr. Schulz inquired about the difference in the final elevations of the driveways and the finished pavement. Mr. Kiefer stated that Jeff Gertz of the County Engineer's Office looked on Google Earth and found that some of the raised driveways were there before the paving. Mr. Kiefer stated that the plans call for milling 3 inches and replacing 3 inches, noting that the work either did not get done to those dimensions or there were problems beforehand. He noted that he is aware that there were some of these issues before, but he does not know if there are more now.

Mr. Kiefer stated that the County asked the contractor for a price to do grading along the berm of the road, but the County said the price was unacceptably high. Discussion ensued with regard to repair of the berms that washed out from the rain due to the time period that elapsed before the final coat of asphalt. Mr. Kiefer noted that he will have to address this with the Law Director.

Mayor Davidson stated that Karvo Paving is looking at their completion date of October 26 to avoid paying damages; he noted that these issues need to be addressed through Mr. Gertz at the Lake County Engineer's Office and the Law Director. The Mayor stated that he also has received calls regarding the joints between the driveways and the pavement. He noted that more follow-up is needed.

With regard to the plate on Tibbetts Road, Mr. Smolic stated that Tibbetts Road was done in 2011, and he inquired if the culvert was fixed at that time. Mr. Kiefer replied that it was not.

**Finance Director Keith Martinet** advised that the September 30 financial statements were completed today and he will distribute them this week; he noted that the summary reports will be provided on paper and the detailed reports will be provided in pdf format through the Clerk of Council.

Mr. Martinet noted that Council members are invited to the wrap-up meeting tomorrow at 4:00 p.m. with the State Auditors.

Mr. Martinet advised that he will start work on the budget and encumbrances.

**DEPARTMENT REPORTS (continued):**

**Law Director Daniel Richards** did not present a formal report. Council President Potter thanked Mr. Richards for returning his call on Saturday morning.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson noted that he gave his announcements and reports at the Work Session. There were no questions for the Mayor.

**STANDING COMMITTEE REPORTS:**

Councilman Schulz advised that a Police and Fire Standing Committee meeting was held on Thursday, October 4, and the Committee unanimously voted to purchase the PSAP, maintain in-house Dispatch and to eliminate the discussion regarding Central Dispatch. Mr. Schulz stated that the minutes for the past two meetings will be forthcoming; and he noted that he anticipates holding a short meeting to review and approve those minutes.

Councilman Lowery stated that a Planning and Zoning Standing Committee meeting will be held following tonight's Council meeting to discuss three topics: architectural review, alternative energy and permit fees; he noted that all are welcome to attend the meeting.

**CORRESPONDENCE:**

Council President Potter reported on the following:

1. From the Ohio EPA, Public Notice of receipt of a 401 Application relating to Issuance of Certification for a project to construct a breakwater at the First Energy Eastlake Power Plant. Mr. Potter noted that the notice states that persons wishing to be on the Ohio EPA's interested parties mailing list, request a public hearing or submit comments should do so by e-mail. Mr. Potter noted that he has a copy of this notice available to anyone that is interested.

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

None.

**OLD BUSINESS:**

**ORDINANCE NO. 18-O-31**  
**(Council President Potter)**

- **(Tabled) - AN ORDINANCE ADOPTING CHAPTER 1468 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO ALTERNATIVE ENERGY.**

Council President Potter noted that Councilman Lowery has advised that this will be discussed in the Committee meeting following the regular Council meeting. The legislation remains tabled.

**OLD BUSINESS (continued):**

**RESOLUTION NO. 18-R-38**  
**(Mayor Davidson)**

- **(Third Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A NEW CALLWORKS CALLSTATION PSAP FOR USE BY THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Preceding his vote, Council President Potter spoke briefly, thanking the residents for becoming involved in this matter and noting that he would have liked this matter to have moved along more quickly; he noted the need to be more objective. Councilman Smolic stated that Council did a thorough job reviewing this, noting that they did not get the final numbers until October to see that the savings was not there. Councilman Lesnick thanked everyone for their patience in allowing Council to do the job they were elected to do. Councilman Lowery thanked the community for being involved.

**RESOLUTION NO. 18-R-40**  
**(Mayor Davidson)**

- **(Third Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE NOVEMBER 30, 2018 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only. Mr. Skrbis moved to adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

**RESOLUTION NO. 18-R-42**  
**(Mayor Davidson)**

- **(Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE DECEMBER 15, 2018 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only and placed on Second Reading.

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Mr. Skrbis moved to suspend the rules of Council in order to adjourn into executive session. Mr. Lowery provided the second. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

**ADJOURN INTO EXECUTIVE SESSION:**

Mr. Skrbis moved to adjourn into executive session to discuss personnel matters, pursuant to Article I, Section 7(a) of the City Charter. Mr. Lesnick provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** The executive session convened at 7:49 p.m.

**RETURN TO REGULAR SESSION:**

Mr. Skrbis moved to adjourn the executive session, with the second by Mr. Lesnick. The motion passed by unanimous vote, and the executive session adjourned. Mr. Lowery moved to reconvene the regular meeting, with the second by Mr. Schulz. The motion passed by unanimous vote, and the regular meeting reconvened at 10:09 p.m.

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**NEW BUSINESS:**

**RESOLUTION NO. 18-R-44** - **A RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY J. GMITRA TO THE CIVIL SERVICE COMMISSION TO FILL THE UNEXPIRED TERM OF DR. JAMES H. PORTER, AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

Read by title only and placed on First Reading.

**RESOLUTION NO. 18-R-45** - **A RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY K. POWELL AS THE ZONING INSPECTOR FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

Read by title only and placed on First Reading

**RESOLUTION NO. 18-R-46** - **A RESOLUTION AUTHORIZING THE MAYOR TO EXERCISE THE FIVE-YEAR RENEWAL OPTION OF THE SOLID WASTE AND RECYCLING COLLECTION CONTRACT WITH WASTE MANAGEMENT OF OHIO.**  
(Mayor Davidson)

Read by title only. Answering Councilman Lesnick, Mayor Davidson stated that the rate change was part of the existing contract, and this is for renewal of the existing contract, with the rate change. The legislation was placed on First Reading.

**RESOLUTION NO. 18-R-47** - **A RESOLUTION ACCEPTING THE BID OF RONYAK PAVING, INC., FOR THE BOOTH ROAD RESURFACING PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RONYAK PAVING, INC., AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. Councilman Lesnick inquired if the only reason that Ronyak was selected was because they were the low bidder. Mayor Davidson stated that the City would need a good reason to not award the bid to the lowest bidder. The Mayor noted that the City Engineer put this out for bid, and three bids were received; he noted that Ronyak Paving was the lowest bidder and met the qualifications. Councilman Smolic noted that Ronyak Paving does fantastic work. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

**NEW BUSINESS (continued):**

**RESOLUTION NO. 18-R-48**  
**(Council President Potter)**

- **A RESOLUTION ACCEPTING THE PLAT AND DEDICATING THE STREET IN THE RUSTY ACRES SUBDIVISION.**

Read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: SMOLIC).** Mr. Skrbis moved to adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: SMOLIC).**

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Council President Potter thanked Council for a productive executive session, and he thanked Mr. Powell for coming into the executive session for a few moments to answer Council's questions.

Councilman Lesnick inquired if it is known what items will be on the next Council agenda. Council President Potter requested that he be notified ahead of time with regard to upcoming resolutions and ordinances so Council can set the agenda and allow sufficient time for discussion during a work session.

Councilman Lowery advised that the Planning and Zoning Standing Committee meeting (scheduled for after tonight's Council meeting) is cancelled; it is re-scheduled for November 7 immediately following the regular Council meeting.

Council President Potter advised that he might not be available for the November 7 Council meeting.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Schulz moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 10:18 p.m.

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President of Council

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Clerk of Council