

## KIRTLAND CITY COUNCIL MINUTES

February 22, 2018

The meeting of Kirtland City Council was called to order at 7:07 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, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

### MINUTES OF THE JANUARY 17, 2018 COMBINED MEETING:

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

### MINUTES OF THE FEBRUARY 5, 2018 WORK SESSION:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Kirek moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

### MINUTES OF THE FEBRUARY 5, 2018 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Kirek moved to approve the Minutes, as presented, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

### MINUTES OF THE FEBRUARY 5, 2018 FINANCE COMMITTEE MEETING:

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

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised that a couple weeks ago the Fire Department responded to a call for a person that was trapped in a piece of machinery. He noted that two members of the Service Department, Mechanic Paul Sexton and Superintendent Tom Coffield came to assist the Fire Department; they took the machinery apart and the person was freed from the machinery within 18 minutes and transported to a trauma center. Chief Hutton thanked the employees of the Service Department and the Police Department for their assistance, noting that Sgt. Fisher and Chief Nosse were also present. Chief Hutton noted that Captain Ponzani was in charge of the Fire Department crew that day. He noted that it was a great team effort by all.

**DEPARTMENT REPORTS (continued):**

Councilman Lesnick inquired if the Department is doing well with regard to personnel and overtime. Chief Hutton stated that the Department watches the full-time overtime; he noted that a firefighter is currently off work due to an injury, so there will be some extra costs in providing coverage.

Responding to Councilman Lesnick regarding facilities and equipment, Chief Hutton stated that Station 1 needs an upgrade to the HVAC system; he noted that vehicles are holding up okay.

**Police Chief Lance Nosse** did not present a formal report. Answering Council President Potter, Chief Nosse stated that the Police Department has not received any calls regarding the skeet shooting.

Responding to Councilman Lesnick regarding the Police Department vehicles, Chief Nosse stated that the Department is due for some vehicles, noting that there are at least two vehicles with over 120,000 miles. He stated that the vehicles are still operable, noting that he is thankful that there is a qualified mechanic in the City that takes good care of the vehicles. Responding to Councilman Smolic, Chief Nosse stated that the Department has a total of nine vehicles. He noted that once a vehicle reaches 120,000 miles, they try to integrate a new vehicle, or at least get the vehicle off the main line. The Chief noted that they have a rotation for the vehicles.

With regard to the Fire Department vehicles, Chief Hutton stated that they took the 2006 Expedition out of service, which was the chase car at Station 2; he noted that there were mechanical issues with the vehicle, and that it was recently sold on GovDeals. The Chief noted that the plan in the budget is to replace the Chief's vehicle, and his current vehicle would become the chase car at Station 2. Responding to Councilman Smolic, Chief Hutton stated that the chase vehicle is an extra responder for a squad call; he noted that chase vehicles are also used for hydrant maintenance and special details.

**City Engineer Philip Kiefer** did not present a formal report. Council President Potter inquired if there is any update regarding the sewage issue in the Joseph Street area. Noting that he has not heard anything, Mr. Kiefer stated that he put in a call to the County asking for assessment figures for any recent projects that have been done. Mr. Kiefer stated that the public meeting will probably be scheduled for early March. Answering Mr. Potter, Mr. Kiefer stated that there will likely be an initial meeting, with everyone in that area invited; it will be determined if anyone else is interested in participating in the project. Mr. Kiefer confirmed that if a line is installed along a property, the owner is required to connect within one year; he noted that if a resident's system is failing, they will be required to tie in more quickly.

Responding to Councilman Smolic, Mr. Kiefer stated that the sewer will extend to the right-of-way, and there will be a tee. He noted that property owners will be assessed for the main line sewer, and they will have to hire a contractor for the connection on their own property.

Councilman Lowery inquired if there is a concern that this problem could arise in other areas. Mr. Kiefer stated that areas with small lots have the potential for failing septic systems. He noted that for most of the City, with a minimum of one acre lots, there is room on the property to correct a failed system. Mr. Kiefer noted that this particular area can connect to the existing sewer along Route 306.

Council President Potter inquired about the cost. Mayor Davidson stated that the County drives a lot of those details, noting that further information will be available following the public meeting.

Mr. Kiefer stated that the system needs to be designed, and a preliminary assessment will be provided; he noted that residents would have the opportunity to pay up front or have it placed on their tax bill for 20 years.

**DEPARTMENT REPORTS (continued):**

The Mayor stated that the timing of the project is somewhat out of the City's control, noting that the County is driving the process. He stated that new information will be provided as it becomes available. Referring to the Temple View sewer project, Finance Director Martinet noted that the County ran the program well; he noted that they had an approved list of contractors and provided information regarding financial aid. Mr. Martinet noted that the Temple View project took approximately 12 years.

Councilman Lowery stated concern about residents having enough time to prepare, noting that he would not want to see someone replace their septic system and then find out they have to connect to the sewer. Discussion ensued. The Mayor noted that details will be shared as soon as they become available.

Councilman Skrbis noted that the Health Department would most likely advise anyone applying for a septic permit of the upcoming project. Mr. Kiefer noted that he will call the County in this regard.

**Finance Director Keith Martinet** advised that in addition to the printed copy of the budget, an Excel version was provided to Council members. Mr. Martinet stated that he will also prepare a pdf version, similar to the year-end statement he prepared, to be posted on the website.

Mr. Martinet stated that the State Auditors began their work at City Hall this week, noting that their report will be issued on May 31, which is the initial compilation; then they will come back to do the audit.

Mr. Martinet stated that the training for the new payroll and Human Resources employee, Heather Frescenko, is almost completed.

**Law Director Daniel Richards** did not present a formal report and no questions were asked of him.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Noting that Officer Tercek has retired, Mayor Davidson stated that a proclamation will be presented to him in March. The Mayor noted that Officer Tercek had a tremendous career.

Mayor Davidson publicly commended Paul Sexton and Tom Coffield of the Service Department for their recent assistance in freeing the individual that was trapped in machinery, noting that their familiarity with the equipment saved valuable minutes.

The Mayor stated that the Fiscal Review Task Force is making tremendous progress, noting that the Department Heads have provided information and a detailed look at revenue and expenses. The Mayor noted that Lou Slapnicker has been leading the effort; he stated that the results will be available in March. Mayor Davidson stated that Commissioner Cirino will look at the Task Force results, noting that he looked at the Willoughby Task Force results several years ago. The Mayor noted that Mr. Martinet has been busy providing financial data to the Task Force and to Council.

With the personnel change in the Finance Office, Mayor Davidson stated that Mr. Martinet's firm took care of two payrolls, noting that the City will be invoiced for the time involved.

Mayor Davidson stated that Mr. Martinet has a good revenue discussion for the Finance Committee meeting; he noted that it would be helpful to take advantage of the presence of the Police Chief and Fire Chief at the Finance Committee meeting if they are available to stay.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

Answering Councilman Schulz, Mayor Davidson stated that the new loader has not yet been delivered, noting that they are waiting on a particular accessory.

Councilman Lowery stated that it would have been nice to have the Fiscal Review report prior to approving the budget this year. Noting that it is a good point, the Mayor stated that the City has never done a Fiscal Review Task Force report before, and it will provide a strategic document.

Council President Potter inquired if there has been any word from Commissioner Cirino's office about the contract for an economic development person. Mayor Davidson stated that he sent the contract to the Law Director for review, noting that the contract reflects the joint desire for an economic development/planning person. The Mayor noted that four communities would be involved in sharing the cost (Willowick, Eastlake, Wickliffe and Kirtland). He noted that some of those funds are reflected in the budget. The Mayor noted that he has not yet signed the agreement, but this is in process.

**STANDING COMMITTEE REPORTS:**

With regard to the off-street parking, Councilman Smolic thanked Mr. Richards for his response to his recent e-mail correspondence. Mr. Smolic suggested that another Planning and Zoning Standing Committee meeting be scheduled in this regard. Councilman Lowery stated that he would like to schedule a meeting following approval of the budget.

**CORRESPONDENCE:**

Council President Potter reported on the following:

1. Letter dated February 6, 2018 from the Ohio EPA relating to public notice regarding National Pollutant Discharge Elimination System permits or modifications. With regard to this correspondence, Mr. Kiefer advised that the Holden Arboretum has a treatment plant, and they have to get a permit because it discharges. Mr. Kiefer stated that permits are valid for five years.

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

None.

**OLD BUSINESS:**

**ORDINANCE NO. 17-O-36**  
**(Council President Umholtz)**

- (Tabled) - AN ORDINANCE AMENDING SECTION 1268.04(d) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO OFF-STREET PARKING IN RESIDENTIAL DISTRICTS.

Councilman Lowery stated that once the budget has been approved, he would like to schedule a meeting of the Planning and Zoning Standing Committee.

The legislation remains tabled.

**OLD BUSINESS (continued):**

- RESOLUTION NO. 18-R-4** - **(Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH NORTHSTAR TOWERS LLC, FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATION FACILITY ON CITY PROPERTY, AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

Read by title only. Councilman Schulz noted that clarification is needed regarding whether the increase would be two percent per year or two percent per each five-year term. Upon the request of Council President Potter, Mayor Davidson stated that he will contact Mr. Styles and request that he attend the next meeting to answer further questions from Council. The legislation was placed on Second Reading.

**NEW BUSINESS:**

- RESOLUTION NO. 18-R-5** - **A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S), AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

- ORDINANCE NO. 18-O-6** - **AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2018.**  
(Mayor Davidson)

Read by title only and placed on First Reading.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Skrbis noted that a group has been organized with regard to the skeet shooting, and they are putting together some concerns and action plans. Noting that they have already held two meetings, Mr. Skrbis suggested that Council members try to attend one of their upcoming meetings.

Responding to an inquiry from Mr. Lesnick, Council President Potter explained the approval process of applications to the Planning and Zoning Commission, noting that applications are tabled if more information is needed. Mr. Potter noted that Council receives copies of the correspondence relating to the Commission's approvals.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Lowery moved to adjourn, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 7:55 p.m.

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President of Council

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Clerk of Council