

KIRTLAND CITY COUNCIL MINUTES

March 18, 2019

The meeting of Kirtland City Council was called to order at 7:02 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, Assistant Law Director Michael Germano, Finance Director Keith Martinet, City Engineer Philip Kiefer, Police Chief Lance Nosse and Economic Development Manager Monica Drake.

MINUTES OF THE MARCH 4, 2019 COUNCIL MEETING:

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

MINUTES OF THE MARCH 4, 2019 FINANCE COMMITTEE MEETING:

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

DEPARTMENT REPORTS:

Police Chief Lance Nosse noted that Fire Chief Hutton is absent tonight due to a family medical emergency. Chief Nosse stated that the past couple weeks have been very busy, noting that they assisted the Fire Department with a structure fire last week.

Chief Nosse stated that he and Chief Hutton attended the Kiwanis meeting and provided a statement of the City.

Responding to Council President Potter regarding a recent incident at the school, Chief Nosse stated that the Police Department responded to a call concerning a gentleman that was seen with a firearm. He stated that due to the circumstances that transpired, the school went into lockdown. Chief Nosse noted that everything was handled well.

Economic Development Manager Monica Drake advised that Dione (from Lakeland Community College) sent information collected at the strategic plan kickoff meeting, noting that the plan is to place this information on the City's website. Ms. Drake stated that moving forward, Dione suggested that a stakeholder group be identified and that a meeting be scheduled to create objectives and strategies. Council President Potter suggested that the Economic Development Standing Committee meet with regard to setting up a stakeholder group.

Councilman Lesnick inquired about a rumor regarding a new Speedway at the Route 6 and 306 intersection. Ms. Drake stated that she does not have information in that regard.

DEPARTMENT REPORTS (continued):

Responding to Councilman Lowery's inquiry regarding a new business (butcher) in the shopping center, Ms. Drake stated that it was mentioned to her by Chief Hutton, and she reached out to the manager of the shopping center but has not yet received a response.

City Engineer Philip Kiefer did not present a formal report. Noting that there was a water line break on Route 306, Mr. Kiefer stated that Aqua Ohio repaired the water line and filled the hole with 57 stone, and put down cold patch for now, until the asphalt plants open. Mr. Kiefer stated that the County Engineer advised that Karvo Paving is not out of the project yet and may be responsible to see that the patch is done according to their standards and the City's standards.

With regard to the landslide on Wisner Road, Mr. Kiefer stated that he stopped at the Schmidt residence, and the residents are happy that someone is looking into this issue. Mr. Kiefer stated that the project will probably need to involve both Kirtland and Geauga County, noting that the north end of the landslide may cross the city border. He noted that it may be complicated logistically.

Mr. Kiefer requested that Councilman Schulz speak with him after the meeting regarding a soil boring.

Responding to Councilman Smolic regarding the patch at the water main break, Mr. Kiefer stated that a square patch should be cut out for repair. Mr. Kiefer stated that it may settle a bit, noting that the cold patch will allow the traffic to compact it.

Mr. Smolic stated that he received a call from a resident on Tibbetts Road asking about the culvert work. Noting that it has not yet been bid, Mr. Kiefer stated he plans to put several projects in one package to allow multiple bidders to bid on one or more projects; he noted it will likely be bid at the end of this month.

Mr. Smolic inquired about the salt contract. Mayor Davidson stated that he anticipates requesting the same amount of tonnage as the prior year; he noted that it will be presented to Council in time to participate in the State program.

Referring to an upcoming project being considered at Lakeland Community College to add a significant number of dorms, Councilman Lowery inquired how it would impact the future capacity of the sewer line. Mr. Kiefer stated that the sewer for Lakeland Community College goes to Garfield Road; it will not come to the Kirtland sewer. Mr. Kiefer stated that it should not impact Kirtland's allotment because the college has a separate agreement with the County.

Mr. Lowery inquired if the City will be involved in this project. Noting that Planning and Zoning Commission member Rick Blum mentioned concerns about the project, Mayor Davidson stated that he contacted Mike Mayher at Lakeland Community College; and Mr. Mayher and the project manager, along with one other representative for the project, will attend the next Planning and Zoning Commission meeting. The Mayor invited Council members to attend the Planning and Zoning Commission meeting so that their questions can be addressed.

In response to an inquiry from Councilman Lesnick, Mr. Kiefer stated that he will provide him with the spreadsheet of the document relating to engineering fees.

Responding to Councilman Lowery, Mr. Kiefer stated that he does not have any updates on the crosswalk.

Responding to Council President Potter, Mr. Kiefer noted that he has not received any new information from the EPA regarding the Old Town area.

DEPARTMENT REPORTS (continued):

Answering Councilman Skrbis, Mr. Kiefer stated that Locust Drive and property known as the "mink farm" is zoned residential. Mr. Skrbis noted that residents have concerns about business use of the property. Noting that enforcement of the ordinances is with the Police Chief, Mayor Davidson stated that any zoning complaint should be submitted to the Zoning Office for follow-up.

Councilman Smolic inquired about the drainage work on Route 306 that was started last year. Mr. Kiefer stated that the Service Department needs to shave down the berm so water drains off the road; he noted that will be part of the project and there will be reimbursement from OPWC. Councilman Schulz inquired if the funds will pay for the ditching from Parkwood north on the west side. Mr. Kiefer replied that it would be part of the OPWC project.

Councilman Schulz requested that Mr. Kiefer inquire with IGA when they anticipate delivery of the poles for the crosswalk. Mr. Kiefer replied that he will request Ms. Petersburg to call, noting that they would likely be more responsive to a call from the Mayor's office.

There was discussion regarding standing water on Route 306 in the area of Bertha's Gallery. Mr. Kiefer stated that he will look at it with the new Service Administrator.

Councilman Smolic stated that residents have concerns about their front lawns, following drainage work done by the City late last year on Route 306. Mayor Davidson stated he expects that there is more work to do on the grass, noting that pipe was purchased for the project. He noted that after the selection of the Service Administrator, there will be some work plans, including brush pick-up and other tasks.

Finance Director Keith Martinet did not present a formal report. He stated that tonight is his last meeting, noting that he started in June 1992. Mr. Martinet stated his thanks to all the Mayors, City Councils and Department Heads over the years. Mr. Martinet stated that he believes Ms. Kovalchik and Mr. Slapnicker will do a great job for the City. Council members stated their thanks and appreciation to Mr. Martinet and wished him the best in the future.

Assistant Law Director Michael Germano gave no formal report. Councilman Schulz noted that he sent a couple e-mails to Mr. Richards regarding HB 27 relating to sovereign immunity and permissive tax on license registration. Mr. Germano noted those issues are still pending, and Mr. Richards plans to put together a summary.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson thanked the safety forces for their performance during the last couple weeks, noting that they have been busy.

Responding to Councilman Lowery regarding the Service Administrator position, Mayor Davidson stated that he sent letters to two candidates thanking them for interviewing, and he sent e-mails to the remaining two candidates, noting that he expects to have legislation for a new Service Administrator at the April 1 Council meeting. The Mayor stated his gratitude to the members of the panel that looked through the resumes and helped interview and ask questions. Mayor Davidson stressed the importance of the decision.

Councilman Lowery inquired about street lighting on Garfield, noting that a resident asked him about this a month ago and there was a request made to CEI. Mayor Davidson advised that the light was fixed.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mr. Lowery stated that several residents have contacted him regarding brush pick-up, and they are angry about the rules. Mayor Davidson stated that there are some new rules in place, as a result of abuses by certain residents. The Mayor noted the City has a moderate size wood chipper and a fixed number of workers to get through the four wards; the rules are designed to give the maximum amount of people the level of service that is acceptable. Councilman Lesnick stated that he understands the need for rules about the stumps and the size of the material, but he questioned the need for bundling and twining since it will be thrown into the chipper. He noted that it makes it more difficult for the elderly residents. Noting that he does not have the rules in front of him at the moment, Mayor Davidson stated that he will revisit the rules, and if there needs to be a modification, it will be done. Councilman Smolic noted that it might be easier for the Service Department workers if the materials are not tied together with twine.

Councilman Smolic thanked the Mayor for inviting him, along with Councilman Schulz and Councilman Lowery, into the interviews with the Service Administrator candidates.

STANDING COMMITTEE REPORTS:

Council President Potter stated that the Economic Development Standing Committee will determine a time to meet.

Councilman Skrbis stated that the Public Relations Standing Committee made some strides, noting that another meeting will be scheduled in the near future.

With regard to the Planning and Zoning Standing Committee, Councilman Lowery stated that the fee structure is completed and will be before Council soon. Mr. Lowery stated that he would like to schedule a Planning and Zoning Standing Committee meeting for April 15 following the Council meeting; he noted that Mr. Richards will need to be present.

Councilman Lesnick stated that a Utilities Standing Committee meeting was tentatively scheduled for April 1, but it will need to be rescheduled because he will not be available on that date.

CORRESPONDENCE:

Council President Potter acknowledged receipt of documentation regarding Aqua Ohio's application to the Public Utilities Commission of Ohio regarding a rate increase.

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.

The legislation remains tabled.

OLD BUSINESS (continued):

ORDINANCE NO. 19-O-3 - (Third Reading) - AN ORDINANCE SETTING THE
(Mayor Davidson) APPROPRIATION FOR THE CALENDAR YEAR 2019.

Mr. Skrbis moved to suspend the rules of Council to consider this Ordinance at the end of New Business. Mr. Lesnick provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).**

RESOLUTION NO. 19-R-6 - (Second Reading) - A RESOLUTION TO AUTHORIZE
(Mayor Davidson) AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE MAY 15, 2019 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 19-R-8 - A RESOLUTION CONFIRMING THE APPOINTMENT OF
(Mayor Davidson) 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.

Read by title only. Council President Potter requested that Mr. Slapnickner come forward; he thanked him for attending tonight's meeting and for his work on the Fiscal Review Task Force.

With regard to the pay increase between year one and year two, Mr. Potter inquired if this is necessary to go forward. Mayor Davidson stated that it was part of the negotiation. Mr. Lesnick inquired if it is a deal killer, to which Mr. Slapnickner replied "yes".

Mr. Lesnick asked Mr. Slapnickner about the tasks he will be doing vs. the tasks that will be handled by the Finance Director. Mr. Slapnickner stated that he will assist Ms. Kovalchik on a day-to-day basis; he will be at City Hall Monday through Friday first thing in the morning, after which he will head to Lyndhurst. He stated he will start digging into the numbers, looking at revenues, expenses and deficiencies, and work on implementation of the new system. Responding to Council President Potter, Mr. Slapnickner stated that typically he will come to City Hall at 5:30 a.m.

Referring to the Charter, Mr. Smolic stated that generally the Finance Director answers to both Council and the Mayor; he inquired if the Assistant Finance Director will follow the same guise. Mayor Davidson stated that it is his expectation that Mr. Slapnickner will report to the Finance Director; he will be forthcoming in providing reports and information.

Responding to Mr. Potter, Mr. Slapnickner stated that he will be the contact for inquiries from the individuals at City Hall during the day.

NEW BUSINESS – RESOLUTION NO. 19-R-8 (continued):

Mr. Skrbis noted that since Mr. Martinet is officially concluding his responsibilities tonight, there should be some discussion on the timing. Mayor Davidson stated that while Mr. Martinet’s duties conclude tonight, he will continue to correspond with Ms. Kovalchik and Mr. Slapnicker until the end of the month. He noted that steps have already been taken to allow Ms. Kovalchik and Mr. Slapnicker to operate, including access to the bank, access to RITA on behalf of the City and access to the City’s database.

ADJOURN INTO EXECUTIVE SESSION:

Mr. Lowery 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 6/1 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: KIREK).** The executive session convened at 7:55 p.m.

RETURN TO REGULAR SESSION:

Mr. Skrbis moved to adjourn the executive session and reconvene the regular meeting, with the second by Mr. Lesnick. The motion passed unanimously and the regular meeting reconvened at 8:13 p.m.

RETURN TO NEW BUSINESS – RESOLUTION NO. 19-R-8 (continued):

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

Council President Potter welcomed Mr. Slapnicker and thanked him for attending tonight and answering Council’s questions. Mr. Potter stated his thanks to Mr. Lesnick and Mr. Kirek for joining the Mayor in the previous meetings in this regard.

RESOLUTION NO. 19-R-9 - **A RESOLUTION TO AUTHORIZE AND APPROVE (Mayor Davidson) TRANSFER OF FUNDS FROM THE GENERAL FUND #100; CAPITAL PROJECT FUND #300; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE MAY 31, 2019 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only and placed on First Reading. Mr. Martinet noted that this relates to Templeview and the long-term bond payments.

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RETURN TO OLD BUSINESS – ORDINANCE NO. 19-O-3:**ORDINANCE NO. 19-O-3
(Mayor Davidson)****- (Third Reading) - AN ORDINANCE SETTING THE
APPROPRIATION FOR THE CALENDAR YEAR 2019.**

Read by title only. Discussion ensued with regard to the Service Department budget, including expenses for road projects and the road levy. Mr. Martinet stated that the Auditor provides a schedule every year indicating the amounts that will be collected from each levy. Mr. Lesnick stated that he would like to know the amount of true revenue, excluding borrowing and carry-over. Mr. Smolic stated that the expenses that are assigned to the road levy cannot be determined.

Councilman Lesnick inquired about borrowing; Mr. Martinet replied that the only borrowing this year will be the \$100,000 for the accounting software. Mr. Martinet noted that the City does not spend every dollar that is appropriated.

There was discussion regarding projected revenue. Mr. Martinet stated that in his opinion, the City has a revenue problem, and cutting costs alone is not sufficient. There was discussion regarding debt and borrowing. Discussion ensued regarding costs for employee insurance. Mr. Lowery expressed concern that there have not been any cuts.

Mr. Lesnick stated concern about the deficit spending; he noted that cuts need to be made before the City asks the voters for more money. He stated that he cannot approve a budget with deficit spending.

Responding to Council President Potter, Ms. Kovalchik stated that there are contractual obligations in the budget that need to be considered. There was discussion regarding overtime.

Mr. Kirek stated that he has been bringing up revenue for the last several years, noting that he believes it is the only way to fix the situation.

Mr. Potter stated that he is not in favor of any new borrowing, and he wants to be sure that everything possible is done to save costs.

Answering Councilman Skrbis, Mr. Martinet stated that excluding labor, healthcare and capital projects, there is not much discretionary funding left. He noted that the City has never had "fat" to cut.

Mr. Skrbis stated concern for maintaining quality for residents and employees. He stated his opinion that changes to employee healthcare and overtime will not be enough without addressing revenue.

In response to questions from Council, Mr. Martinet stated that the appropriation must be passed by line item, it cannot be passed on the bottom line only.

There was discussion regarding amending the budget by taking out the capital expenditures, with the understanding that it can be amended again later if revenues are greater than anticipated. Based on the amount that Council indicated they would like to have cut from the budget in order to pass it tonight, Mr. Martinet stated that Mayor Davidson recommends that personnel be cut by four people in the Service Department, which would cut up to \$200,000 plus benefits; he noted that it provides the amount of reduction that Council desires without giving up the capital. The Mayor noted that the operating model is being changed in the Service Department, and it will no longer involve paving side streets and large projects, since Council desires outside contractors. He noted that shared services can be explored. The Mayor noted that head count is a yearly expense.

OLD BUSINESS – ORDINANCE NO. 19-O-3 (continued):

Upon further discussion, Mr. Kirek moved to amend the appropriation by removing \$252,000 from capital outlay (in Sub-Section 1). It was noted that the appropriation can be revisited later in the year. Mr. Lesnick provided the second. **ROLL CALL: MOTION CARRIED 6/1 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SMOLIC AND KIREK. VOTING NAY: SKRBIS).** As a result of the amendment, the legislation reverts to Second Reading.

Mr. Kirek moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).** Mr. Kirek moved to adopt the legislation as amended, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).**

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Mr. Lesnick and Mr. Lowery advised that they will not be available for the meeting on April 1, 2019.

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 10:30 p.m.

President of Council

Clerk of Council