

KIRTLAND CITY COUNCIL MINUTES

March 4, 2019

The meeting of Kirtland City Council was called to order at 7:01 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic. Absent: David Kirek.

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 FEBRUARY 20, 2019 WORK SESSION:

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 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 20, 2019 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report was distributed today by e-mail. With regard to the storm last Sunday and Monday, Chief Hutton advised that the Fire Department responded to 25 calls in a 16-hour period. He stated that there was cooperation with the Police Department and the Service Department, noting that Dispatch was able to coordinate everything between the Departments.

Chief Hutton stated that he and Chief Nosse visited the school today for "hat day" and spoke to the elementary school children about being trustworthy.

Councilman Lesnick inquired if there is a way for the report to indicate the type of equipment, rather than just the apparatus number. Chief Hutton noted that he can provide an index.

Mr. Lesnick inquired about comparisons in the report to last year. Chief Hutton stated that this is a monthly report that they are able to generate, but it does not provide comparisons. Chief Hutton noted that the storm put the numbers above last year at this time.

Police Chief Lance Nosse advised that the monthly report was distributed this morning by e-mail. Chief Nosse referred to a situation that occurred last week at Lakeland Community College, noting that it is still an ongoing investigation. Chief Nosse stated that the call was received directly into the Police Department phone system; it did not come from 911 and did not go through Central Dispatch. The Chief noted that it was an intentional phone call generated by the individual to the Police Department. Chief Nosse stated that they have been working on a school action plan for approximately one year with the Kirtland Schools, noting that it will be transitioning to the college as well. He noted that he will be working with Chief Morenz (at Lakeland Community College) to get a plan implemented.

DEPARTMENT REPORTS (continued):

Referring to the recent incident, Chief Nosse noted that seven officers responded from Mentor and five officers from Willoughby, along with seven Kirtland officers. He noted that four Kirtland dispatchers were available and took care of the calls and dispatching. Chief Nosse stated that there is a lot of work ahead of the Department.

With regard to the storm, Chief Nosse stated that the Departments worked very well together.

Councilman Smolic inquired about the longest time period that anyone in Kirtland was without power during the storm, to which Chief Hutton replied it was approximately 48 hours. Chief Nosse stated that Westwood was the only road that had an extended period of closure, noting that a tree came down on the power lines. He noted that the Service Department and Police Department worked diligently to re-open the road.

Mr. Smolic inquired about the Electric Company's prioritization during such a storm. Chief Hutton stated that Forestdale was considered a "life and limb" situation by First Energy, noting that the road was totally blocked; he stated it was cleared within two to three hours. He noted that First Energy goes into "storm mode", and he explained the procedures the Fire Department follows if the wires are not live as opposed to when the wires are live.

Chief Hutton noted that there was discussion at the Fire Chiefs' meeting regarding shelters, and he plans to speak with the EMA about setting up a county shelter, which is done in Geauga County, rather than individual municipal shelters.

Responding to Mr. Smolic, Chief Hutton confirmed that if a downed tree affects an electrical line, First Energy will clear the line and push the tree outside of the road. He noted that the Fire Department will usually cut and clear the trees, with the assistance of the Service Department when necessary.

City Engineer Philip Kiefer advised that his report has been distributed. Mr. Kiefer reported on a bank failure that occurred near the north end of Wisner Road, noting that part of a retaining wall fell. He stated that the slide is within a couple feet of the roadway, so he added it to his list of projects for obtaining bids. Answering Councilman Schulz, Mr. Kiefer stated that the road does not need to be reduced to one lane at this time, but it will be watched to determine whether it is getting worse.

Responding to Councilman Schulz, Mr. Kiefer stated that he has not received any update on the status of the pole for the crosswalk.

Council President Potter noted that a resident inquired about surveying that was done at the north end of Elm Street, down the hill. Mr. Potter stated that he noticed some trees going down the hill have been marked. Mr. Kiefer stated that although he does not know for sure, it could be related to the re-subdivision of the properties on Saxon and Eisenhower and some of the potential property owners may want the property staked. Mr. Kiefer noted that he will follow up with Barrington Consultants, who handled the re-subdivision.

Responding to Council President Potter, Mr. Kiefer stated that he has not heard back from the EPA regarding the Old Town area. Mr. Kiefer mentioned that he looked at the permit for off-site discharging systems, noting that he has comments for Council after he resolves some issues with the Law Director. He noted that everyone would need their own permit.

With the addition of Wisner and Rockwood to the project to be bid, Mr. Lesnick inquired about the enormity of the project. Mayor Davidson stated that he estimates the engineering cost to be approximately \$41,000.

DEPARTMENT REPORTS (continued):

Mr. Kiefer stated that the projects will total \$500,000, and individual bids will probably be allowed so contractors can bid on one or more of the projects. He noted this would allow smaller contractors without a great amount of bonding capacity to bid on one or two projects.

Council President Potter inquired if engineering fees would be reimbursed if the projects are funded by OPWC or Lake County Stormwater. Mr. Kiefer replied that the City cannot receive any funding through OPWC until July 2020; since they will allow 12 months retroactive engineering costs, the engineering could not begin until July 2019. Mr. Kiefer noted that Lake County Stormwater Management will pay for the engineering, but they have to approve funding for the project at the onset; they provide reimbursement funding.

Councilman Skrbis stated that he forwarded an e-mail from Andrew Lessick on Chillicothe Road; Mr. Kiefer agreed to speak with Mr. Skrbis in this regard following the Council meeting.

Finance Director Keith Martinet did not present a formal report. He noted that he responded by e-mail to requests for information from Council, and he advised that he will be present for the Finance Committee meeting following the Council meeting.

Law Director Daniel Richards gave no formal report, and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson thanked all of the Departments for working together following the wind storm, and for the response at Lakeland Community College. Noting the importance of investing in proper training, Mayor Davidson stated that Sergeant Fisher will be attending school this summer.

With regard to zoning, Mayor Davidson stated that to avoid delaying any permits, he gave an executive order (No. 19-1) to appoint Mr. Kiefer as the interim Zoning Administrator for plan review and permits, at his regular consulting rate. The Mayor noted that enforcement will be with the Police Department for the current time. He noted this will be reviewed after the Service Administrator position is negotiated.

STANDING COMMITTEE REPORTS:

Councilman Skrbis noted that the Public Relations Standing Committee will meet at 6:00 p.m. tomorrow to discuss the city website, noting that they are convening for fact-finding at 5:00 p.m.

Councilman Lesnick stated that the Utilities Standing Committee received a revision to the small cell ordinance draft. It was agreed by the Committee that a meeting be scheduled for April 1 following the regular Council meeting to discuss small cell wireless.

With regard to the Service Department Standing Committee, Councilman Smolic requested that everyone put together a prioritization list for the roads.

CORRESPONDENCE:

Council President Potter advised that a public notice was received from the Ohio EPA. Answering Mr. Potter, Mr. Kiefer stated that comments are being sought regarding the Corps of Engineers' request for a permit to dredge the channel in the Grand River in Fairport Harbor and dump most of the dredgings off-shore into Lake Erie, with 50-60 yards being dumped near-shore, near the Painesville Township Park.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 18-O-31 - (Tabled) - AN ORDINANCE ADOPTING CHAPTER 1468 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO ALTERNATIVE ENERGY.
(Council President Potter)

The legislation remains tabled.

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

Read by title only and placed on Second Reading. Mr. Lesnick stated that there are several details still needed; he questioned the amount of engineering fees that were spent for the year. Mr. Martinet stated that he has the figure available and can forward it to Council by e-mail. Answering Mr. Potter, Mr. Martinet stated that when OPWC pays for the engineering fees, it is shown as a revenue and an expense.

Mr. Lesnick requested more detail on line item 10 for every program, including the head count. Mayor Davidson noted that in the past a complete list of municipal employees and salaries has been provided. Mr. Lesnick stated that the program cannot be determined from that information. He noted that the Task Force recommended that part-time and full-time should be looked into more closely. Mayor Davidson stated that Department Heads will be available to answer those questions during the Finance Committee meeting.

Mr. Lesnick inquired whether there will be an official road plan. Mayor Davidson noted that he submitted to Council the information he received from CT Consultants, which was 1/10 of a 10-year road plan; he noted that Council will have the exact figure. Upon brief discussion, Mr. Lesnick agreed that the details can be addressed in the Finance Committee meeting.

Mr. Potter stated that the short-term savings opportunities addressed by the Fiscal Review Task Force are worthy of discussion, such as a centralized purchasing function, new software, etc. Mayor Davidson stated that this is a good topic to discuss during the Finance Committee meeting.

NEW BUSINESS:

RESOLUTION NO. 19-R-5 - A RESOLUTION AMENDING RESOLUTION NO. 18-R-55 RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2018, THROUGH NOVEMBER 30, 2019, AND DECLARING AN EMERGENCY.
(Council-as-a-Whole)

Read by title only. Council President Potter stated that the change in Council's meeting schedule is to accommodate the Board of Elections for set-up, noting that the Kirtland Schools placed a renewal levy on the ballot for the Special Election in May. Mr. Skrbis moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE.)** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE.)**

NEW BUSINESS (continued):

- RESOLUTION NO. 19-R-6** - **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 MAY 15, 2019 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**
(Mayor Davidson)

Read by title only and placed on First Reading.

- RESOLUTION NO. 19-R-7** - **A RESOLUTION CONFIRMING THE APPOINTMENT OF MARY KOVALCHIK AS THE PART-TIME INTERIM FINANCE DIRECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Councilman Lesnick noted that in Section 1.1 of the agreement, the language in the second sentence conflicts with the Charter; it states that the "Finance Director shall perform other such services, functions and duties as the Mayor shall, from time to time, direct or assign." Mr. Lesnick stated that the Charter (Article II-A, Section 4) states that the Director of Finance "shall perform other such duties consistent with his/her office as the Mayor or the Council may direct." Mr. Lesnick noted that this language should be amended or removed, noting that it is already in the Charter. Upon discussion, Mr. Lesnick moved to amend the language to read "...as the Mayor or Council shall, from time to time, direct or assign." Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

Mr. Lesnick noted that there is a reference to the Assistant Finance Director in Section 1.1. Noting that the agreement is for the Finance Director, Mr. Lesnick questioned the mention of the Assistant Finance Director in this agreement. Law Director Richards stated that he does not object to the reference being removed. Mr. Richards stated that for the interim there will be a Finance Director and an Assistant Finance Director working closely in the performance of the duties; he noted that the Finance Director will provide oversight of the Assistant Finance Director. Mayor Davidson stated that he does not object to Council amending the agreement by removing the reference, but he still plans to hire the Assistant Finance Director to support the Finance Director, particularly given the meeting timing to assure that there is a presence at the meetings and to answer Council's questions.

Mr. Lesnick moved to strike the words "and/or the Assistant Finance Director" in the last sentence in Section 1.1. Mr. Lowery provided the second. In discussion, Mr. Skrbis noted that the Finance Director will have oversight of the Assistant Finance Director. Answering Mr. Potter, Mayor Davidson stated that there will not be another contractual agreement for the Assistant Finance Director; he noted that the Finance Director is the Department Head and the duties are listed in the Charter. The Mayor noted that the Administration is responsible for making sure that the assistant or other staff in the Finance Office are covered in the budget. Mayor Davidson explained the advantages of having an Assistant Finance Director.

Mr. Lesnick noted that Section 1.4 of the agreement states that the Finance Director shall be responsible to supervise any assistants or other employees of the City's Finance Department. Mr. Lesnick noted the importance of having one person responsible.

Voting began on the motion to amend. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

NEW BUSINESS – RESOLUTION NO. 19-R-7 (continued):

There was discussion on whether any changes are needed in the language in Section 1.4; it was agreed that no changes are necessary.

Council President Potter stated his appreciation to the Mayor for involving members of Council in the interviewing process, noting that he is confident that Ms. Kovalchik will do a fine job for the City. Mr. Potter thanked Councilman Lesnick for reviewing the agreement in detail.

Responding to Councilman Lesnick regarding government accounting standards boards, Mr. Martinet stated that the State of Ohio Local Government Services does the annual report, and the State audits that report.

Mr. Lesnick questioned the many references in the agreement to the “City”, noting that there is no definition of whether it refers to the Mayor or Council. Mr. Richards advised that the administration of the agreement by the City will be consistent with the Charter, and with the concurrence of Council when required by Charter. Mr. Lesnick inquired if Council will be involved in the purchase of the new software. Mr. Richards advised it is an administrative function, but it will go before Council if the cost exceeds the Mayor’s purchasing authority. Mayor Davidson stated it is his intent to convert to a system that is the same as the system used by Lyndhurst; if it is determined that it is not advisable, then a different direction will be pursued.

Mr. Lesnick stated that the budget requests approval of \$100,000 for the Finance software. He noted that since he has been on Council there have been numerous issues getting reports in the manner needed by Council. Mr. Lesnick stated that part of Council’s legislative authority is to approve appropriations, and in order to do so, Council needs to see the detail. Mr. Lesnick stated that he wants to be sure that the software purchased is sufficient to generate the reports that Council needs, and he inquired if Council will be involved in the decision making for the new system. Mr. Potter noted that Council will have discussion when the software system is proposed. Mr. Skrbis noted that approving the appropriation is not a “blank check”, and he believes the protection is there to allow for Council’s involvement.

Mr. Lesnick moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE.)** Mr. Lowery moved to declare an emergency and adopt the legislation as amended, with the second by Mr. Skrbis. Council President Potter thanked the Mayor for his work in seeking out this individual and moving this matter forward. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE.)**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

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

President of Council

Clerk of Council