

KIRTLAND CITY COUNCIL MINUTES

April 15, 2019

The meeting of Kirtland City Council was called to order at 7:00 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 Mary Kovalchik, City Engineer Philip Kiefer, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

KIRTLAND SCHOOLS – RENEWAL LEVY PRESENTATION

Bill Wade, Superintendent of Schools
Tom Cosgrove, School Board President

Mr. Cosgrove said he appreciated the opportunity to speak, and thanked the Council for their partnership with the schools. He explained the levy is extremely important to the school system, as 90 percent of the school's revenue is derived from property taxes. He went on to say the School Board takes their fiscal responsibility seriously. Mr. Cosgrove explained the Board uses Five Fiscal Pillars when there are financial decisions made. This helps in their effort to try and remain committed to academic excellence while being prudent with taxpayers' dollars. He said there have been difficult decisions made, and he is proud of what the district has been able to do, with cooperation from several partners. He went on to say the district is a success due to great leadership in Mr. Wade and his team. Mr. Cosgrove distributed a report.

Mr. Wade thanked the Mayor and Council for the opportunity to speak. Mr. Wade reiterated that the relationships the School Board has with the City, and City Council, is another reason the district is so successful. Mr. Wade mentioned the Chief has helped a good deal with safety planning and other miscellaneous issues. He went on to reinforce 90 percent of the school system's revenue is derived from property tax. Mr. Wade reminded Council the levy being discussed is a renewal, no tax increase, and counts for approximately 10% of the school district's budget, and generates approximately \$1.45 million. He impressed upon Council the importance of passing the renewal levy. Mr. Wade referred to the report distributed, pointing out there was a slide included which had been taken from the schools' presentation, containing information on district expenses. The entire presentation is located on the district's website.

Mr. Wade stated the district works hard to manage expenses. He referred to a chart in the report that shows expense versus revenue, noting that they have flattened the expense curve.

Mr. Wade went on to say the district has worked hard, thinking outside the box for shared services. To cut costs, the district currently shares a treasurer and a facilities manager with other local schools.

Mr. Wade reported the district has begun to outsource the food service, which was costing the district approximately \$8,000.00 a year and was being funded by the general fund. He went on to say they worked with Mentor schools to erase that deficit, and actually had a surplus last year of over \$12,000.00.

Mr. Wade said the district listened to the voters after the levy proposal last year, and reduced cost more. Staff was reduced 14.5% while enrollment remained fairly steady. Kirtland is one of the few districts in the county with steady enrollments, as most districts have seen approximately a 10% decrease in enrollment. Mr. Wade referenced the bar chart in the back of the report, showing the effect of millage rates for all the schools in Lake County, pointing out that Kirtland Schools is in the bottom half of the report. This is in part to Kirtland being primarily residential, with no commercial real estate taxes being received.

KIRTLAND SCHOOLS - RENEWAL LEVY PRESENTATION (continued)

Mr. Wade stated that his job is to keep moving the district forward in the right direction, while getting to work with a lot of great people. He asked for Council's support, and stated he was happy to answer any questions.

Concerning the expiration years of other levies, Mr. Wade stated there is an expiration in every year that doesn't end with '05. The levy being considered is a five-year levy, which was first passed in 1989.

Mr. Smolic stated the reduction in staff was an impressive accomplishment, and inquired how it had been achieved. Mr. Wade stated the district looked at consolidating classroom staff, along with consolidated bus routes which were begun last year after the levy failure. Mr. Wade went on to say they are evaluating the facilities staff and the administration staff was reduced last year, which saved almost \$30,000.00 a year. The district has also been looking at standards in classroom sizes across the country and determining the best course of action. He pointed out that the treasurer, curriculum director, groundskeeper, and food service have all been reduced to part-time from full-time positions as a result of the cooperative agreements with the other school districts.

Mr. Lesnick asked if Mr. Wade foresaw any changes in the \$600.00 the state pays per head, with the election of a new governor. Mr. Wade responded the district was not expecting any changes, noting that the Patterson model, which is the new school funding model, showed a slight uptick in that revenue over a three-year period, but Mr. Wade stated it was not expected to pass.

Mr. Lowery commended Mr. Wade and his staff on the 14% reduction, while keeping the level of providership for the children.

Mr. Lowery made a motion to support and endorse the Kirtland Schools levy renewal, with the second by Mr. Smolic. The motion of Council passed by unanimous vote.

MINUTES OF THE APRIL 1, 2019 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 5/0/2 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE. ABSTAINING: LOWERY AND LESNICK).**

MINUTES OF THE APRIL 1, 2019 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton gave no formal report. Responding to Councilman Lesnick, Chief Hutton stated the reports sent to Council each month are the queries he believes are important to the operation of the department. He stated if needed he can change the format. The reports show vehicle usage, hospital transports, manpower pages, Station 1 calls, Station 2 calls, Kirtland Hills calls, mutual aid, and mutual aid received. Chief Hutton stated the police and fire was previously reported together in one packet, but the reports were separated by request of Council. Noting that he cannot put everything in a one-page report, Chief Hutton inquired what Council would like to see on the report; Councilman Lowery replied that he would send an email to the Chief concerning the items he would like to see on the report.

DEPARTMENT REPORTS (continued):

In response to an inquiry from Mr. Lowery, Chief Hutton stated the apparatus listed on the report are a mix of ambulances, fire trucks and chase vehicles. Chief Hutton went on to distinguish each vehicle by unit number, and an explanation of how the unit number is determined. Nineteen is the department number, the third number of the unit is the station they function out of, 2's are ambulances, 3's and 5's are engines, 7's and 1's are utilities. 1900 is the Chief's car, 1911 is the shift commander's vehicle, 1917 is a brush truck, 1922 is an ambulance, 1923 and 1915 are engines, 1921 is the backup chase car at Station 2. 1913 and 1915 are engines that are rotated every six months; 1927 is a road rescue vehicle, and 1912 is the Station 1 ambulance.

In answer to Mr. Lesnick's question, Chief Hutton stated there are three ambulances and three fire engines. This is so the department may have a backup in the event a vehicle is inoperable.

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

Council President Potter inquired about the speed trailer the Police Department borrows from Kirtland Hills each year. Chief Nosse stated they would be borrowing it this year, and it won't be long now that the weather has gotten better. Chief Nosse stated he was aware of the requests from citizens to put the trailer out. He went on to say the trailer would be rotated, most likely through Joseph Street, Regency Woods, and many other places.

Councilman Lowery advised the Chief that the Planning and Zoning Standing Committee will meet to discuss the parking Ordinance in the upcoming month.

City Engineer Philip Kiefer had no formal report. Mr. Kiefer stated the drainage projects are out for bid, and bids are due Friday. As of this morning, five contractors have picked up plans, and another contractor is expected to do so soon. One of the projects, the stream bank slippage on Wisner Road, is out of the realm of expertise of most of the bidders.

With regard to the project on Wisner Road, Mr. Kiefer stated the contractor was clearing trees before April 1 to avoid the Indiana bat issue. They are preparing plans to submit to Ohio EPA and Corps of Engineers. Mr. Kiefer went on to say they can't work in the river until July or August because the mating fish cannot be disturbed.

Councilman Lesnick stated the new house being built on the corner of Alpenrose has a footer or downspout drain coming out at the west side of 306, and asked if there would be any change to the placement. Mr. Kiefer said he would take a look at the site plan and report back.

Councilman Skrbis questioned Mr. Kiefer about his meeting with Lucio Velotta. Mr. Kiefer stated if the property owner wants to make changes to the drainage, it will have to be reviewed. Mr. Kiefer stated the property owner wants the City to make some improvements to the culvert, noting he will have to speak with the Mayor to see who would be doing that work.

Councilman Skrbis stated he'd spent time with Mr. Velotta and his neighbors, and told him to expect an update. Mr. Kiefer responded there is a project proposal to take care of the situation, but no money to fund it. Mr. Kiefer stated he would look at the situation more closely, and add it to the engineers' report after he speaks with the Mayor.

Responding to Councilman Smolic regarding the project bidding, Mr. Kiefer stated the bids are put out for a minimum of two weeks; he noted these are fairly simple projects.

DEPARTMENT REPORTS (continued):

Council President Potter asked if there was an update from the EPA concerning the Old Town sewers, to which Mr. Kiefer stated he hasn't heard anything yet. Mr. Kiefer noted that a letter was received from the EPA regarding the Lake Farmpark NPDES permit.

Council President Potter stated that a resident brought to his attention that the USDA announced investments in water and wastewater in 23 states that will benefit 171,000 rural residents. Mr. Kiefer responded he was aware of the program, and the City has already arranged to send Helen Petersburg to the meeting that is mandatory to receive funds.

Council President Potter asked Mr. Kiefer to meet with him briefly after the meeting to discuss an email received from a resident regarding potential grant money for the Chapin Ledges area.

Finance Director Mary Kovalchik reported the Governor signed into law, as part of the transportation bill, an increase in gas tax and diesel. She noted that the Ohio Department of Taxation estimates for the City of Kirtland that in 2020 there will be an additional source of revenue of \$181,976.00, and in 2021, \$183,541.00. Mrs. Kovalchik stated she is not yet sure what fund the special revenue will be deposited into, however typically it is split between SCMR and state highway, 7.5/92.5 percent. These funds will be for roads, purchasing salt, and repairs and maintenance for equipment.

Councilman Smolic explained, for the residents who are curious about additional revenue, the City currently has an SCMR (street construction maintenance repair) of approximately \$375,000.00 a year. He believes it goes back 10 to 15 years or more. This will be in addition to the current monies, to bring the total to approximately \$550,000.00.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson noted the passing of Allan B. Clough, WWII Navy Vet, noting that his service was at the Church of Jesus Christ Restoration Branch a week ago.

The Mayor noted that Mr. Kiefer has been working closely with Tim Miller at Lake County Stormwater, and they are looking forward to working with the City to help in funding the consolidated projects that are out to bid.

The Mayor noted there have been thank you notes received for the Service Department, thanking them for their quick responses on drainage issues. He noted more letters were received from residents, including one from a resident on Monterey.

Mayor Davidson said the pre-construction meeting regarding the crosswalk went well, and there is an adjusted work schedule. The information has been placed on the Facebook page.

The Mayor noted that he had a good discussion with David Dicillo, and he is looking forward to getting him onboard. Mr. Dicillo has gone through the same panel process as the other candidates; he is a Kirtland resident, he is a P.E., and he is highly qualified. He is excited to get started, and the Mayor said he is looking forward to Council's confirmation of his appointment.

The Mayor stated that he attended the Lake County Safety Council luncheon yesterday. He noted that Kirtland was recognized in the category of companies or organizations that work at least 500,000 hours over six months without a lost time injury. The Mayor presented to the Department Heads the certificate from Congressman Joyce. Kirtland's actual data was 510,419 hours from 9/25/2014 to 7/19/2018.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Concerning brush collection, Mayor Davidson distributed a report stating the rules for Willoughby, Willoughby Hills and Concord. He mentioned Willoughby Hills did not do brush collection this year, and that Mentor has a program, including waste management. The Mayor said his instructions to the Service Department are to be as accommodating as possible, but take pictures of examples of non-compliance. He also explained the difference between tree collection and brush collection. He stated that there is a yard waste collection program available, which would include the larger items; the cost is \$4.00 per home, per month, and the City pays the bill instead of the residents. Mayor Davidson said if that is something the Council would like to budget for the future, he is open to reviewing it. However, a lot of communities are going to drop-off sites instead of pickup.

The Mayor noted that two resolutions of necessity are on tonight's agenda relating to levies. He stated that the intent is to give Council the full amount of time to consider and strategize and work with administration on getting revenue at the right level for 2020. He noted that Mrs. Kovalchik should be able to present numbers in the next meeting, if the Council requests.

Concerning questions on bridges, which are the purview of the county, Mayor Davidson stated he was in possession of a copy of the county's assessment. The only change in classification was for the bridge on Booth Road, which has a 10-ton maximum.

Councilman Skrbis mentioned he'd forwarded an email concerning overhanging trees and wires. Mayor Davidson stated the current contact for these matters would be Tom Coffield, noting that he will bring this to his attention.

Mayor Davidson stated Mrs. Kovalchik has an update on the numbers for the amended appropriation. Mrs. Kovalchik reported the number of \$265,612.00 is a total of the general fund and all special revenue funds. She noted that debt service funds were excluded and being viewed as general operations.

STANDING COMMITTEE REPORTS:

Councilman Lowery noted that there will be a Planning and Zoning Standing Committee meeting following the City Council meeting.

Councilman Skrbis noted that the Public Relations Standing Committee meeting has been rescheduled for Monday, April 22, 2019 at 6:00 p.m., regarding the City's website.

Mayor Davidson advised there may be a reorganization of the Shared Economic Development Manager role. It will not change the amount paid, but it would change where Ms. Drake is assigned.

Council President Potter stated that the Economic Development Standing Committee will meet Thursday, April 18, at 6:30 p.m. This will be a follow-up to the Strategic Planning meeting.

CORRESPONDENCE:

Council President Potter reported on the following:

1. Public Notice from Ohio EPA dated April 8, 2019 regarding the NPDES permit for Lake Farmpark.
2. Notice from the Ohio Division of Liquor Control of the Trex liquor permit for Noon Enterprises at 9264 Chillicothe Road. Council did not request a hearing in this regard.
3. Correspondence dated March 29, 2019 from Dominion Energy Ohio regarding their request to the Public Utilities Commission to seek a CEP rider, which will increase gas bills.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

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

The legislation remains tabled.

RESOLUTION NO. 19-R-9 - (Third Reading) - A RESOLUTION TO AUTHORIZE AND
(Mayor Davidson) APPROVE 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.

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

RESOLUTION NO. 19-R-10 - (Second Reading) - A RESOLUTION TO AUTHORIZE
(Mayor Davidson) AND APPROVE TRANSFER OF FUNDS FROM THE
GENERAL FUND #100; CAPITAL PROJECT FUND #306;
GENERAL OBLIGATION BOND FUND #600; SAID
FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE
10, 2019 TO GENERAL OBLIGATION BOND FUND #600;
GENERAL FUND #100; IN THE AMOUNTS AND FOR
THE PURPOSES SPECIFIED.

The legislation was read by title only and placed on Second Reading.

ORDINANCE NO. 19-O-12 - (Second Reading) - AN ORDINANCE AMENDING
(Council President Potter & CODIFIED ORDINANCE SECTION 236.07(d) RELATING
Councilman Lowery) TO THE FEES, PROFESSIONAL CONSULTING AND
RELATED EXPENSES FOR THE PROCESSING OF
APPLICATIONS FOR A VARIETY OF PURPOSES AND
REASONS.

The legislation was read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 19-R-15
(Mayor Davidson)

- **A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CURRENT LEVY OF TWO (2) MILLS FOR FIVE (5) YEARS FOR THE PURPOSE OF GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS AND BRIDGES IN THE CITY; AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE LEVY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Speaking in regard to this Resolution and the following Resolution on the agenda, Mayor Davidson stated his interest in giving Council the necessary time to preserve the opportunity to put the levy on the ballot, which will require six readings of legislation (three readings for resolution of necessity and three readings for resolution to place on the ballot). Mayor Davidson went on to say a renewal for five years will give Council a chance to implement the road plan in the model that Council has requested. The Mayor stated that the second resolution takes pressure off the general funds, providing extra money for police and other purposes.

The Mayor stated that his and Mr. Richards' thought behind holding the tax credit resolution back was to have all the necessary facts available. The Mayor stated that he believes the legislation for the tax credit will need only three readings, as opposed to six. In discussion, Mayor Davidson noted that with passage of the Resolutions of Necessity, the Auditor will provide the dollar amount that would be generated by the levies. Mayor Davidson suggested that a Finance Committee meeting be scheduled.

The legislation was placed on First Reading.

RESOLUTION NO. 19-R-16
(Mayor Davidson)

- **A RESOLUTION DECLARING IT NECESSARY TO LEVY A REPLACEMENT OF AN EXISTING 2.5 MILL TAX LEVY, FOR A CONTINUING PERIOD OF TIME, FOR THE PURPOSES OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, OTHER EQUIPMENT, BUILDINGS AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF A POLICE DEPARTMENT, FOR THE PAYMENT OF SALARIES OF PERMANENT OR PART-TIME POLICE, COMMUNICATIONS OR ADMINISTRATIVE PERSONNEL TO OPERATE THE SAME, AND ALL THOSE OTHER PURPOSES THAT ARE SPECIFIED AND AUTHORIZED WITHIN SECTION 5705.19(J) OF THE REVISED CODE AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE LEVY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only and placed on First Reading. Mr. Schulz asked Chief Nosse if he was aware of the millage that Chester Township would receive from the levy that is being advertised via signs. Chief Nosse responded he believes those are old signs, and he is not familiar with what was received in the last levy. Chief Hutton noted that he believes their police and fire levy was 2.5 mills.

NEW BUSINESS (continued):

ORDINANCE NO. 19-O-17 - **AN ORDINANCE AMENDING ORDINANCE NO. 19-O-3**
(Mayor Davidson) **RELATING TO THE APPROPRIATION FOR THE YEAR**
2019.

The legislation was read by title only. Answering Council President Potter, Mrs. Kovalchik noted that she provided the information Council had requested. She explained the amendments in the appropriation, and discussion ensued.

Council President Potter voiced concern regarding the numbers not matching up. Mayor Davidson stated that the numbers have been explained, and if there is a need for a further amendment, that can be accomplished. The Mayor stated that to give the department heads the confidence to move forward in their budgets, he would appreciate Council moving forward with passage of the ordinance tonight. He noted that, in the time she has worked for the City, Mrs. Kovalchik has shown excellent follow-through on details to answer questions. Mrs. Kovalchik proceeded to explain the numbers in question, and Council members were satisfied with her explanation.

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

RESOLUTION NO. 19-R-18 - **A RESOLUTION CONFIRMING THE MAYOR’S APPOINT-**
(Mayor Davidson) **MENT OF DAVID P. DICILLO AS THE PUBLIC SERVICE**
ADMINISTRATOR AND ZONING INSPECTOR FOR THE
CITY OF KIRTLAND, ESTABLISHING A WAGE
ARRANGEMENT THEREFORE, AND DECLARING AN
EMERGENCY.

The legislation was read by title only. Answering Councilman Schulz, Mayor Davidson confirmed that Mr. Dicillo will be at the required meetings for his position.

Mr. Schulz moved to waive the three readings, with the second by Mr. Kirek. **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. Mr. Skrbis said he appreciated the participation of all involved. Mr. Lesnick stated there were multiple good candidates and he is happy this came to completion, and Mr. Potter concurred. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Mr. Skrbis advised that he will not be present for the May 20 Council meeting.

Mr. Skrbis noted that Council's thoughts and prayers are with those affected by the fire at the Notre Dame Cathedral.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 8:20 p.m.

President of Council

Clerk of Council