

## KIRTLAND CITY COUNCIL MINUTES

April 2, 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: John Lesnick, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic. Absent: David Kirek and Richard Lowery.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

### ADMINISTRATION OF OATH TO POLICE OFFICER:

Police Chief Nosse requested that Zachary Petric come forward to be sworn in as a full-time police officer. Mayor Davidson administered the Oath of Office to Officer Petric. Chief Nosse stated that Officer Petric came to the City of Kirtland from the Lake County Metroparks, noting that he has been a part-time officer for the City for a little over one year. Chief Nosse stated that Officer Petric successfully completed all of his testing for a lateral transfer position. Officer Petric received the applause and congratulations of all those present.

### MINUTES OF THE MARCH 19, 2018 COUNCIL MEETING:

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 5/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, LESNICK AND POTTER. VOTING NAY: NONE).**

### MINUTES OF THE MARCH 19, 2018 FINANCE COMMITTEE MEETING:

Mr. Lesnick moved to waive the reading of the minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Lesnick moved to approve the Minutes, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, LESNICK AND POTTER. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** did not present a formal report. Chief Hutton stated that one of the fire trucks received some damage to the telescoping light tower, noting that it is being repaired.

Answering Councilman Lesnick, Chief Hutton confirmed that Kirtland was not called to respond to the fire on I-90 in Willoughby Hills. Responding to an inquiry from Council President Potter regarding mutual aid response, Chief Hutton stated that Kirtland responds to structure fires through automatic aid; he noted that Kirtland responds on I-90 in Concord, between Route 615 and Route 44. He noted that Kirtland also covers Kirtland Hills, which encompasses two miles of I-90. Chief Hutton stated that Kirtland responds through the MAVIS system, if it is a large fire; he noted that Kirtland could be called to respond outside of the County and also outside of the State.

**DEPARTMENT REPORTS (continued):**

**Service Administrator Carm Catania** did not present a formal report. Councilman Skrbis inquired if there was any follow-up on the two light poles at the corner of Crary and Route 6. Noting that the second pole has been there for quite some time, Mr. Catania stated that apparently someone hit the original pole. He noted that CEI moved their lines to the new pole, but the telephone lines have not been moved to the newer pole. Mr. Catania stated that he will contact CEI in this regard.

**City Engineer Philip Kiefer** did not present a formal report. With regard to the old town sewer project, Mr. Kiefer advised that he received a call last week from the Lake County Department of Utilities advising that an owner of some of the homes in the Eisenhower and Saxon area is meeting with the Department of Utilities on Thursday to discuss the potential of adding that area to the project. Responding to Council President Potter, Mr. Kiefer stated that any of the homeowners can request sewers, noting that Lake County will prepare the engineering plans if there is participation of 75 percent of the homeowners and they will do the construction if there is at least 50 percent participation. Mr. Kiefer stated that the Lake County Commissioners can deny a project even if the request is from 100 percent of the homeowners, and they can require a project even with zero participation from the homeowners.

Councilman Lesnick inquired if there is any update on the Verizon fiber optic lines for Route 306. Mr. Kiefer advised that he has not heard anything recently in this regard.

Council President Potter noted that the City should look at setting a date for the public meeting regarding the old town sewer project. Mr. Kiefer stated that he received the Health Department's portion of the power point presentation last week. Mr. Potter noted that he would like to see a copy of the presentation before the public meeting so he has some background information. Councilman Lesnick noted that it was suggested that a Utilities Standing Committee meeting be held once the information is received from Mr. Kiefer, before the public meeting is held.

**Police Chief Lance Nosse** did not present a formal report. Councilman Lesnick inquired about the total of full-time and part-time officers. Chief Nosse stated that the Police Department has ten full-time officers, noting that Officer Petric filled the last full-time position. Chief Nosse stated that there are currently five part-time officers, noting that he is actively looking for two additional part-time officers.

**Finance Director Keith Martinet** did not present a formal report. Mr. Martinet advised that the State Auditors that are doing the 2017 compilation are almost done with their work, and the 2016-2017 audit will be started tomorrow. Mr. Martinet stated that he will begin working on the financial statements. Responding to Councilman Smolic, Mr. Martinet advised that the results of the audit are usually available in the fall.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson advised that tentatively the Fiscal Review Task Force document will be prepared for the April 16 Council meeting. The Mayor noted that he asked Mr. Slapnick to have the members of the Task Force attend the April 16 Council meeting so they can receive recognition and appreciation for their work, noting that their findings can be reviewed over the coming months.

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

Noting that Mr. VanArnhem, Kirtland Elementary School Principal, and Mrs. Dikowicz, Kirtland Schools Transportation Director, are in the audience tonight, Mayor Davidson stated that he appreciates their support and perseverance in helping the City address the issue of a crosswalk and to have it done properly. Referring to legislation on tonight's meeting agenda, Mayor Davidson stated that he requests that it proceed to second or third reading. The Mayor noted that the City Engineer reviewed the bid documents and brought four topics to his attention – an optical sensor is needed for the Fire Department; the City would like the fluted posts to match the downtown aesthetics; assurance of soil stability to withstand the wind load; and battery back-up. Mayor Davidson noted that by Council allowing the legislation to proceed to second or third reading, those factors can be negotiated.

Councilman Schulz noted that he passed along some information to the Mayor regarding meth labs hazard training in the event that there is opportunity for the Police and Fire Department to take advantage of this training. Mayor Davidson stated that he will forward the information to the Police Chief and Fire Chief; he noted that Mr. Schulz sends numerous opportunities for training, which has been very helpful.

Answering Councilman Smolic with regard to the Fiscal Review Task Force attendance at the next Council meeting, Mayor Davidson noted that Council may want the members of the Task Force to come to a subsequent meeting for a more in-depth discussion. For the April 16 meeting, the Mayor stated that his vision is to have the completed document available and recognize the Task Force members with some awards. Mr. Smolic inquired if Council will receive the document before the meeting. Mayor Davidson stated that he cannot hold Mr. Slapnicker to having the document prior to the meeting; he noted that tentatively it will be complete by April 16. The Mayor noted that to the credit of these volunteers, they have invested two to three times the number of hours anticipated to complete the review.

Councilman Smolic inquired about a time frame for Council to receive the road plan, Mayor Davidson stated that he shared in the Chronicle the information that he shared with Council – Route 306, Arborhurst and Singlefoot will be addressed, then a portion or as much of Billings or Booth as can be contracted with the funds available; the Mayor noted that Billings or Booth will be contracted because he does not believe there will be enough labor hours available from the Service Department. The Mayor noted that as soon as he receives those quotes, he will share them with Council. The Mayor noted that the City Engineer has a few tasks to address, noting that the two primary tasks are preparing the presentation regarding the old town sewer project and preparing the five-year road plan.

Noting that a comprehensive zoning plan is prepared on a regular basis, Mayor Davidson stated that he believes the fiscal review should be completed every five to ten years, along with a rolling five-year road plan prepared by professional engineers with material volumes and techniques, along with the cost factor. The Mayor stated that it will be eye-opening to see how far the money does or does not go in road paving, noting that he believes a permanent road levy is needed to catch up on the roads. Mayor Davidson stated that at the pavement technology conference that he attended with members of the Service Department, he received an estimate from a vendor that specializes in road plans, and the cost is similar to that of the warrant study for the crosswalk. The Mayor noted that it is an investment to complete the five-year road plan, but it is beneficial.

With regard to the cancellation of the brush pick-up this spring, Councilman Smolic noted that it was short notice and some residents have placed brush at the street. Noting that some residents may not be aware that it was cancelled, Mr. Smolic inquired if the City will send out a truck to pick up the brush that has already been placed at the street. Mayor Davidson stated that additional signs were put up and it was shared on the website; he noted that the City has listed Lake County Solid Waste District and other vendors that may be able to help those residents. The Mayor noted that if the City picks up brush that was put out early by residents, their neighbors will complain because their brush could not be picked up.

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

Councilman Skrbis suggested that when this service has to be skipped, the City could contact a vendor to provide the service, and residents that want to take advantage of the service can schedule it with the vendor at the resident's expense. Mr. Catania stated that he can compile a list of local companies that would be able to provide that service to the residents, noting that the list can be posted on the City's website.

Noting that the Mayor mentioned a vendor that specializes in road plans, Council President Potter inquired if the end goal would be to identify costs for all the roads. Mayor Davidson noted that these firms do good work, but he would much rather utilize the expertise of the City Engineer and Service Administrator to provide the resources as opposed to using an outside firm. The Mayor noted that there is cost involved, and will result in billable hours for the City Engineer and possibly specialist hours to develop the road plan. Mr. Potter noted that once the City has those costs identified and there is a cost estimate for the roads, discussion can be held regarding the possibility of a bond initiative or a long-term road levy. Mr. Potter noted that getting bids on Billings and Booth will give Council a better understanding of the costs vs. internal costs.

Noting that he had a conversation last week with the County Engineer, Mr. Catania stated that they need to know what roads the City will be working on so they can schedule their work; he noted that this is done every year. Mr. Catania stated that Booth was discussed, noting that there is a bridge that will not take any more dead load.

Councilman Lesnick inquired if the road plan will contain a technical assessment of the roads. Mayor Davidson stated that the road plan prepared for Mayor Marcopoli will be used as a model for the five-year road plan, noting that the City can use any level of technical review as desired. Responding to Mr. Lesnick, Mr. Kiefer confirmed that it will be similar to the ODOT system.

Responding to an inquiry from Councilman Schulz regarding the economic development individual to be selected by the County, Mayor Davidson stated that he will provide Council with an electronic copy of the draft contract. He noted that three municipalities will be involved – Wickliffe, Willowick and Kirtland – and that it will be a two-year commitment. The Mayor noted that legislation for this purpose will likely be on the April 16 meeting agenda. Mr. Schulz suggested that the individual be required to register with the Ohio Ethics Commission.

**STANDING COMMITTEE REPORTS:**

Council President Potter noted that a Planning and Zoning Standing Committee meeting will be held on April 16, 2018.

**CORRESPONDENCE:**

Council President Potter reported on the following:

1. Copy of Notice of Board of Zoning Appeals public hearing on April 10, 2018 at 7:00 p.m. at City Hall.
2. Public Notice from Ohio EPA regarding Center Park Estates in Mentor. It was noted that Kirtland was notified as a neighboring community.

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

None.

**OLD BUSINESS:**

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

The legislation remains tabled. Council President Potter noted that this Ordinance will be the topic of discussion at the Planning and Zoning Standing Committee meeting in two weeks.

**RESOLUTION NO. 18-R-4** - (Tabled) - 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)

Council President Potter requested that Council members review the proposed amendments to the lease agreement that were provided to Council. Mr. Potter thanked Mayor Davidson and Law Director Richards for their work on the agreement. The legislation remains tabled.

**RESOLUTION NO. 18-R-9** - (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 MAY 15, 2018 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED, AND DECLARING AN EMERGENCY.  
(Mayor Davidson)

Read by title only and placed on Second Reading.

**RESOLUTION NO. 18-R-10** - (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; CAPITAL PROJECT FUND #300; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE MAY 31, 2018 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.  
(Mayor Davidson)

Read by title only and placed on Second Reading.

**NEW BUSINESS:**

**ORDINANCE NO. 18-O-11** - **AN ORDINANCE AMENDING ORDINANCE NO. 18-O-6**  
**(Mayor Davidson)** **RELATING TO THE APPROPRIATION FOR THE YEAR**  
**2018.**

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, LESNICK AND POTTER. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, LESNICK AND POTTER. VOTING NAY: NONE).** Council President Potter requested that the Mayor convey Council's appreciation to Helen Petersburg for her work involving the grant for the LED lighting.

Councilman Lesnick inquired if the explanation can be included in the appropriation, rather than in a separate memo. Mr. Martinet stated that he will look into it.

**RESOLUTION NO. 18-R-12** - **A RESOLUTION TO AUTHORIZE AND APPROVE**  
**(Mayor Davidson)** **TRANSFER OF FUNDS FROM THE GENERAL FUND**  
**#100; CAPITAL PROJECT FUND #307; GENERAL**  
**OBLIGATION BOND FUND #600; SAID FUNDS TO BE**  
**TRANSFERRED BY OR BEFORE JUNE 15, 2018 TO**  
**GENERAL OBLIGATION BOND FUND #600; GENERAL**  
**FUND #100; IN THE AMOUNTS AND FOR THE**  
**PURPOSES SPECIFIED.**

Read by title only. Mr. Martinet advised that this legislation will need to be modified, noting that the funds will be received in June. There was brief discussion, and the legislation was placed on Second Reading.

**RESOLUTION NO. 18-R-13** - **A RESOLUTION ACCEPTING THE BID OF OSBORNE**  
**(Mayor Davidson)** **CONCRETE & STONE COMPANY FOR ROAD**  
**MATERIALS, AND DECLARING AN EMERGENCY.**

Read by title only. Responding to Councilman Smolic regarding the quantities, Mr. Catania stated that there are two prices, one for delivered and one for picked-up; he noted that it will be one or the other. Mr. Catania stated that they seldom pick up stone. Mr. Catania stated that the work that will be done is not known until the budget is passed, and the quantities are indicated as "more or less", meaning that more can be purchased but the City is not obligated to purchase a minimum quantity. Mr. Lesnick questioned the total cost indicated on the legislation, and he noted that the legislation does not state where the money comes from. Mr. Catania stated that the Department cannot purchase more than the budget will allow. Mr. Martinet noted that the funds will come from the money that is used for the roads – general fund, street construction, state highway, and the road levy. Mr. Martinet stated that the legislation provides the authority to purchase at the stated prices, noting that it will be managed through the purchase order process, not to exceed the appropriation.

Council President Potter inquired about purchases that may be needed in the next two weeks if this legislation is not adopted tonight. Mr. Catania stated that the City would not receive the listed prices and might not be able to purchase from the same vendors. Mr. Martinet noted that road materials for capital projects are also included.

Mr. Lesnick inquired about the bidding process. Mr. Catania stated that it is advertised twice in the newspaper and sent to companies that have bid in the past. He stated that a public bid opening is held, noting that they are sealed bids. Mr. Catania stated that the purchase order will indicate the project charged. Discussion ensued.

**NEW BUSINESS – RESOLUTION NO. 18-R-13 (continued):**

Responding to Councilman Skrbis, Mr. Catania confirmed that the City will not lose the pricing if the legislation is not passed until the next meeting.

Councilman Schulz noted that in comparison with the 2017 prices, many of the bid items are less than last year. He noted that the 448 Type I surface course, which is seen and driven on by the public, has increased by approximately 13 percent.

The legislation was placed on First Reading.

**RESOLUTION NO. 18-R-14** - **A RESOLUTION ACCEPTING THE BID OF ARMS TRUCKING COMPANY FOR ROAD MATERIALS, AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

Read by title only. Councilman Schulz noted that the materials are mainly aggregate stones, and there is a small increase (1-1/2 to 2 percent) in price per ton from last year. He noted that the Limestone #57 increased by 3.51 percent. The legislation was placed on First Reading.

**RESOLUTION NO. 18-R-15** - **A RESOLUTION ACCEPTING THE BID OF HALL INDUSTRIAL INSULATION FOR THE CONSTRUCTION AND INSTALLATION OF A CROSSWALK ON STATE ROUTE 306, AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

Read by title only. Council President Potter noted that the City is waiting for a response to questions raised by the City Engineer. Councilman Skrbis addressed Mr. VanArnhem and Mrs. Dikowicz, noting that they are welcome to see the proposal that is before Council.

Council President Potter inquired about the proposed crosswalk location. Mr. Kiefer stated that it would be in the area of the south end of the driveway loop. Mr. Kiefer noted that the stop bar would need to be placed north of the south drive apron. There was discussion regarding the traffic exiting the driveway and the relation to the crosswalk. There was also discussion relating to the warrant study and the results of that study, including the crosswalk location. Councilman Smolic inquired about the difficulty in moving the crosswalk after it has been installed. Mr. Kiefer stated that the cost would be approximately 80 percent of the cost of the new crosswalk.

The legislation was placed on First Reading.

**ORDINANCE NO. 18-O-16** - **AN ORDINANCE AUTHORIZING IMPLEMENTATION OF AN AGREEMENT BETWEEN THE CITY OF KIRTLAND, OHIO, AND THE BOARD OF LAKE COUNTY COMMISSIONERS RELATIVE TO THE REPAIR, MAINTENANCE AND IMPROVEMENT OF STATE ROUTE 306, INCLUDING BUT NOT LIMITED TO RESURFACING OF SAID HIGHWAY LOCATED IN KIRTLAND, OHIO AND INVOLVING AND AUTHORIZING THE ENCUMBRANCE OF ROAD LEVY AND GENERAL FUNDS UNTIL SHORT-TERM BOND ANTICIPATION NOTES ARE RECEIVED ON JUNE 21, 2018, AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

**NEW BUSINESS – ORDINANCE NO. 18-O-16 (continued):**

Read by title only. Councilman Skrbis stated that Council was given the initial Ordinance, and then provided with an amended version. Mr. Skrbis noted that the proposed amendments were as follows: (1) in the second paragraph on page 1, strike the verbiage "\$200,000 of which is planned to be provided by Lake County Storm Management Department and \$200,000 is planned to be provided by Ohio Public Works Commission and \$107,996.16 is"; (2) in the first paragraph on page 2, the verbiage "Fund #205 in the amount of \$407,996.16" is added after "Road Levy" and the verbiage "#100 in the amount of \$100,000" is added after "General Fund"; (3) in Section III on page 2, the verbiage "Fund #205 in the amount of \$407,996.16" is added after "Road Levy"; the verbiage "#100 in the amount of \$100,000" is added after "General Fund"; the verbiage "in the stated amounts, totaling" is added in the fourth line; and the verbiage "in an amount" and "and" is stricken in the fourth line; and (4) in Section IV, the verbiage "Lake County Treasurer" is added. Mr. Schulz moved to amend the Ordinance as noted, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, LESNICK AND POTTER. VOTING NAY: NONE).**

Mr. Lesnick moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, LESNICK AND POTTER. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt the legislation as amended, with the second by Mr. Lesnick. **ADOPTED 5/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, LESNICK AND POTTER. VOTING NAY: NONE).**

\* \* \* \* \*

**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

None.

**PUBLIC COMMENTS:**

**Chad VanArnhem, Kirtland Elementary School Principal,** stated that as a cumulative activity, all teachers and staff, including nurses, bus drivers and custodians, read the same book, noting that signs were put up at local businesses and at City Hall, and it was very well received. Mr. VanArnhem thanked Mayor Davidson, Chief Nosse and Chief Hutton for coming to the school to read the last chapter with all of the students.

**ADJOURNMENT:**

Mr. Lesnick moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 8:41 p.m.

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council