

KIRTLAND CITY COUNCIL MINUTES

July 2, 2018

The meeting of Kirtland City Council was called to order at 7:23 p.m. by Council President Kevin Potter. Mr. Skrbis led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, John Lesnick, Richard Lowery, Kevin Potter, Robert Skrbis and Joseph Smolic. Absent: Matthew Schulz.

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

PUBLIC HEARING

Tax Budget for Fiscal Year 2019

Council President Potter opened the public hearing in this regard. Finance Director Martinet advised that, pursuant to State law, the City of Kirtland is required to hold a public hearing regarding the 2019 tax budget, which is submitted to the County. Mr. Martinet stated that the purpose of the tax budget is to demonstrate to the County Auditor the need the City has for the funds that have been voted on by the citizens. Mr. Martinet noted that a copy of the tax budget has been available for review in the Finance Office; he noted further that tonight's public hearing has been duly advertised as required.

There were no questions or comments from the public or from Council, and Council President Potter closed the public hearing.

MINUTES OF THE JUNE 18, 2018 COUNCIL MEETING:

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 6/0 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Police Chief Lance Nosse noted that there was a tragic accident this week involving a Mentor police officer, and services were held on Sunday and Monday. Chief Nosse thanked the Mayor for authorizing the Department's help to the City of Mentor on Sunday and Monday, noting that four Kirtland officers (Sergeant Fisher, Officer Valenti, Officer Carrillo and Officer LaTurner) were provided to cover a couple of their zones while they were attending the services. The Chief noted that the officers did a fantastic job and the Mentor Police Department was appreciative. Responding to Councilman Smolic, Chief Nosse stated that the officers that were in the procession were Officer Phillips and Officer Martin; he noted that he, Sergeant Fisher, and several other officers attended the services. Chief Nosse noted that there was an impressive representation of Law Enforcement.

Service Administrator Carm Catania advised that the Department has been patching and doing drainage work for the Route 306 project. Mr. Catania stated that work should start on Arborhurst and Singlefoot within the next two weeks, noting that he is waiting for a quote from a contractor for removal of asphalt. With regard to the culvert repair, Mr. Catania noted that message boards were put up today, and a detour has been designed by the City Engineer.

DEPARTMENT REPORTS (continued):

Councilman Lowery inquired what is done with the top layer of asphalt that is removed. Mr. Catania stated that ODOT allows a percentage of the recycled asphalt to be put into the new mix. He noted that this material was used to extend the parking at the recreation park and it is good for berms.

Councilman Lesnick referred to a road project in Colorado where the grinding and repaving was done at the same time. Mr. Catania noted that this was done many years ago on Route 615; he stated that the machine reheats the mix and adds some of the recycled asphalt. He noted that there are many different types of methods.

Councilman Lesnick inquired where there will be major patching. Mr. Catania stated that most of Bridlehurst was done and there is still some patching to be done on Palomino. He stated that some patching was done on Parkwood, Beechwood and Crestwood; and there is some patching to be done on Markell. Mr. Catania stated that they are addressing the worst areas. Mr. Lesnick stated that it would be helpful to post on the website the streets that will be patched. Mr. Catania stated that he has a list in his office and will forward it to the Mayor.

Council President Potter inquired about posting information on the Police Department page regarding the overnight road closings and the upcoming paving project on Route 306. Chief Nosse stated that they will post the information.

Council President Potter inquired about the date for the upcoming culvert project on Route 306. Mr. Catania advised that it will start on July 7; he noted that the materials will be unloaded on Friday, July 6.

Mayor Davidson stated that Karvo Paving has provided a schedule for the upcoming Route 306 paving. He noted that mill, base repair, intermediate asphalt and ramps will be done from Kirtland Road to Eagle Road from July 16 to August 10; mill, base repair, intermediate asphalt and ramps will be done from Eagle Road to the Geauga County line from July 30 to August 28; they will construct the final surface course, install detector loops and do the striping from September 4 to September 17. The Mayor stated that he will forward this communication to Council. Mr. Lesnick suggested that the information also be included on the website.

With regard to the paving on Route 306, Council President Potter inquired about coordination with the schools. Mr. Catania stated that unless there is something unforeseen, the paving project should not completely close the road; they will work on one side at a time. Mr. Catania noted that the contractor should be past that part of Route 306 before school starts.

Councilman Smolic inquired about the drainage work at the south end of Route 306. Mr. Catania stated that the work is going well, noting that some pipe work was done from Monterey north.

City Engineer Philip Kiefer advised that his monthly report for June has been distributed. Mr. Kiefer stated that the Health Department has performed six additional septic tests over the last month in the Old Town area, and they have more scheduled. Mr. Kiefer stated that on Friday the Health Department notified Ohio EPA that a public meeting was held and that septic testing will be done. Mr. Kiefer stated that of the six tests, one failed, but it was because a washing machine was piped to the storm sewer. He stated that the homeowner fixed it, but he noted concern that there may be septic surfacing if the extra water cannot soak into the ground or evaporate.

Council President Potter inquired about the level of involvement of the EPA. Mr. Kiefer confirmed that the Health Department contacted the EPA. Mr. Kiefer noted that a meeting was held last August with the EPA, and he e-mailed them prior to the public meeting and invited them to attend. Mr. Kiefer stated that the City is letting the EPA know that there is progression.

DEPARTMENT REPORTS (continued):

Responding to Mr. Potter, Mr. Kiefer stated that the timeline indicated on the power point presentation will be extended, noting that the goal is to test a lot of the septic systems. Mr. Kiefer noted that the Health Department is not sending letters to all property owners at the same time; it is being done in blocks in order to better schedule the testings. Mayor Davidson noted that it will be beneficial if the residents get the testing done so the information is as complete as possible.

Responding to Council President Potter, Mr. Kiefer stated that a meeting was held with the USDA a week and half ago, and they advised that the grant program does not allow the gathering of median family income in a specific neighborhood; they look only at the City as a whole. He noted that Kirtland's median family income is too high to qualify for grant money. He noted that this has changed since Temple View was done.

Mr. Kiefer stated that preliminary discussions were held with the County CDBG Coordinator, noting that there is a possibility of funding. Mayor Davidson noted that compensation from Lake County Stormwater Management was secured to cover the cost of the study.

Councilman Lowery requested an update on the unpermitted grading being done by Mr. Excavator. Mr. Kiefer stated that the Law Director has filed complaints in Willoughby Municipal Court. Mr. Richards noted that this is currently in the hands of the City Prosecutor.

Councilman Lowery inquired about the status of the Recreation Park road. Mayor Davidson stated that the concern is the sloughing of the hillside on the north side of the road. The Mayor noted that three years ago the Service Department did some work on the south side of the road, and added the safety feature of separating pedestrians from vehicles. The Mayor stated that for the north side, the City worked to get the design paid for by the County; he noted that the County Engineer was not satisfied with the design and it was sent back to the firm to be re-done. The Mayor noted that the plan was approved, but it required more than a headwall. He noted that he contacted Mr. Miller at Lake County Stormwater Management, noting that funds would be feasible if the City can use free fill and rent equipment to do the work in-house. The Mayor noted that the City is working on this issue, noting that the project must receive a permit from the Corps of Engineers. There was discussion in this regard.

Responding to Mr. Lesnick, Mr. Kiefer confirmed that the ramps were added to the contract for the Route 306 work; he noted that handicap ramps are 100 percent a local cost. Mr. Kiefer noted that originally the City was going to install the ramps, but ODOT was not in favor of the City or an independent contractor installing the ramps because of coordination of work. With regard to the in-kind work, Mr. Kiefer advised that the City is doing more drainage work. Answering Mr. Lesnick, Mayor Davidson stated that the cost is still below the threshold approved by Council.

Finance Director Keith Martinet advised that he prepared and posted the May financial statements, noting that a paper copy of the summary statements was provided to Council, and the detailed statements will be provided to Council by e-mail and will be posted on the website. Upon agreement of Council, a Finance Committee meeting was scheduled for August 20 following the regular Council meeting.

Answering Councilman Lowery, Mr. Martinet stated that on the revenue side the budget is a little ahead on City income tax and property taxes are coming in. He noted that on the expense side, the road projects are in process.

DEPARTMENT REPORTS (continued):

Law Director Daniel Richards did not present a formal report. Answering Council President Potter regarding the gas easement for Russellhurst Drive Extension, Mr. Richards stated that Dominion is now discussing a larger easement and they also wish to have a written request of the residents indicating their desire to have the gas line. He noted that they would like a meeting to be held with the residents in that area to determine if the residents are in agreement with a 17-1/2 ft. easement beyond the existing access easement on one side.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson advised that Ms. Petersburg will be out of the office until July 16, noting that the rest of the office staff will take care of messages and e-mails in her absence; the Mayor noted that he will be out the week of July 9.

Mayor Davidson stated that he signed the purchase order today for the crosswalk, noting that it will be coordinated with the paving.

The Mayor noted that legislation has been placed on tonight's agenda, noting that Mr. Martinet has provided some additional information. The Mayor noted that it is important to look at this with regard to the long-term fiscal health of the City and the service to the residents, and to sustain Kirtland's status as one of the safest cities in the State of Ohio. With regard to timing, Mayor Davidson noted that the first Resolution needs to be submitted to the Auditor to determine the amount for the millage.

Councilman Lesnick congratulated the Mayor for reaching a decision with the other Mayors involved and the Port Authority to hire Monica Drake as the shared Economic Development Manager. Mayor Davidson stated that he expects to have her attend a Council meeting at her earliest convenience, noting that the three cities involved have Council meetings on separate evenings. The Mayor noted that she will also attend Planning & Zoning meetings to assist potential businesses.

Mayor Davidson thanked Council President Potter for providing a name with regard to the CRA appointments. The Mayor stated that the legislation, along with the minutes from two meetings ago, has a list of the positions that need to be filled, noting that he will work with Council via e-mail with regard to suggestions to fill those positions. He noted that he would like to have this CRA tool available when the shared economic development manager begins working at City Hall. The Mayor noted that he wants to discuss with Council the expectations for this individual.

Responding to Council President Potter, Mayor Davidson stated that the cost of the road study was \$20,000, noting that the amount is comparable to private quotes with a lesser amount of data. The Mayor noted that he will send to Council the scope of work that was included on the purchase order.

There was discussion regarding the positions that need to be filled for the CRA boards.

STANDING COMMITTEE REPORTS:

Councilman Lowery stated that on June 4 the Planning and Zoning Standing Committee met to discuss fees in Sections 236.07 and 236.09; he stated that this is a work in progress, noting that it has been a while since those fees have been updated.

Mr. Lowery stated that the Standing Committee also discussed Ordinance No. 18-O-31 relating to alternative energy, noting that the Committee would like to contact a couple experts in the field to solicit their opinion on the proposal. There was discussion regarding soliciting opinions from residents.

STANDING COMMITTEE REPORTS (continued):

Councilman Lesnick noted that a Utilities Standing Committee meeting will be held on July 9 at 5:00 p.m. (moved up from 5:30 as previously noted) to discuss the new septic system rules and inspection requirements for 2020. Mr. Lesnick stated that Dan Lark from the Lake County Health Department will attend the meeting to discuss this with the Committee.

Mayor Davidson advised that Vince Crawford, the representative from Waste Management, was unable to attend tonight's work session and plans to attend on July 9 to discuss recycling and their new trucks. Council members agreed that a work session will be held at 6:30 p.m. to hear from Mr. Crawford.

In the absence of Councilman Schulz, Mr. Skrbis stated that there was a recent Police & Fire Standing Committee meeting that was attended by 20 to 25 residents and City employees, and there was lively discussion. Mr. Skrbis noted that Mr. Schulz will prepare follow-up notes, and then the Committee will decide when the next meeting will be held.

CORRESPONDENCE:

Council President Potter acknowledged receipt of a public notice from the Ohio EPA, noting that local Councils are being notified of an application to reduce shoreline erosion.

Service Administrator Catania advised that a contractor will be coming out tomorrow morning to clean out the logs from under the bridge on Route 306. He noted that they will have a flagger.

Council President Potter inquired if there has been any follow-up regarding the logging that was done in the fall on Euclid-Chardon Road, near the Community Center. Mr. Potter stated that a local resident had a concern that the contractor went beyond the scope of what was approved, noting that there was a riparian setback issue. Mr. Catania stated that he and Mr. Kiefer will visit the property.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sharon Vyskocil, 8415 North Locust Drive, inquired about the length of time of the road closure on July 7. Mr. Kiefer advised that the road will be closed overnight, until the morning of July 8.

Rob McCoy, 7946 Chardon Road, addressed Council with regard to the southwest corner of Route 6 and 306, suggesting that consideration be given to providing a right-hand turning lane going south onto Route 306. He stated that he proposes a classic car lot on that property, with an old-fashioned stand to sell hot dogs and cotton candy, similar to Annabelle's. With regard to the suggestion for a right-hand turning lane, Council President Potter noted that this is a State highway, and that an inquiry could be made to the State. Mr. Potter agreed that the corner has become an eyesore, noting that it is a Planning and Zoning issue. Mr. Potter thanked Mr. McCoy for providing his comments.

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)

Mr. Lesnick moved to remove this Ordinance from the table, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

OLD BUSINESS – ORDINANCE NO. 17-O-36 (continued):

Mr. Lesnick moved to amend the Ordinance in accordance with the recommendation of the Planning and Zoning Standing Committee. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER, SKRBIS AND SMOLIC. VOTING NAY: NONE).** The legislation was placed on Second Reading.

ORDINANCE NO. 18-O-18 - (Tabled) - AN ORDINANCE AMENDING CHAPTER 236 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, BY ADDING SECTION 236.12 RELATING TO THE PROVISION OF AN ANNUAL ROAD PLAN, AND DECLARING AN EMERGENCY.
(Council President Potter)

The legislation remains tabled. Councilman Lesnick stated that he will propose revised language for review by the Law Director.

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.

RESOLUTION NO. 18-R-33 - (Second Reading) - A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2019.
(Mayor Davidson)

Read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 18-R-35 - 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.
(Mayor Davidson)

Read by title only. Mr. Skrbis noted that this Resolution does not approve placing the levy on the ballot, but would provide an estimate of the revenue that the levy would generate. Mayor Davidson requested Council's concurrence with Resolution No. 18-R-35, regardless of whether there is currently agreement with Resolution No. 18-R-36. Mayor Davidson advised that he provided Council with a memo of explanation in this regard. The Mayor stated that he is working to sustain safety forces, noting that Kirtland is one of the safest cities in Ohio.

NEW BUSINESS – RESOLUTION NO. 18-R-35 (continued)

Mayor Davidson noted that the levy was put in place in November of 1981, effectively 1982 dollars. He stated that the value of that levy is \$104,000, and today's value would be approximately \$590,000. The Mayor noted that the community has grown significantly since that time.

Mayor Davidson stated that most of the funding of the Police Department's 1.5 million dollar budget is coming out of the General Fund. The Mayor noted that this levy would help secure the General Fund and allow the residents to decide the level of service that they want. The Mayor requested that Council look at the needs of the Police Department and the services they provide.

Council President Potter inquired why an additional levy is not being considered, rather than a replacement levy. Mayor Davidson stated that the levy put in place in 1981, effectively 1982, was 2.5 mills, and the replacement would help fund the Police operation through its own levy. The Mayor stated that he is not aware of the benefit of an additional levy as opposed to a replacement. Mr. Potter stated concern about losing the roll-back factor with a replacement levy, as a result of legislation passed by the Legislature in 2015. Mr. Lesnick stated that it is his understanding that the roll-back reduces the amount that the residents pay. Mr. Martinet stated that there have been some changes, but he noted that the chance of the levy passing is reduced if it is a new levy as opposed to a replacement levy, due to perception. Discussion ensued in this regard.

Mayor Davidson stated that 66 percent of the budget is income tax, with the remaining being levies. He noted that the current Police levy is 7 percent of the levy income. With regard to timing, the Mayor stated that in order to have the opportunity to further consider the levy and place it on the ballot in November, this Resolution needs to be adopted tonight and submitted to the Auditor to retain the ability to adopt Resolution No. 18-R-36 if Council decides to place this on the ballot. Mayor Davidson stated that Resolution No. 18-R-36 also funds the operations of the Police Department, including communications, and will allow residents to choose the service level they desire from the Police Department. Councilman Kirek noted that he received a call from a resident in his age bracket, and she was upset about the possibility of dispatch being eliminated; she was in favor of a police levy rather than reducing staff.

Council President Potter inquired if there would be an increase in the police budget if the levy were to pass. Mayor Davidson stated that if the City chooses to retain the current service level, including the City's own dispatch, a piece of capital equipment (PSAP) will be needed. The Mayor noted that passage of the levy would mean that a greater percentage of the police budget would be covered by the levy. The Mayor stated that the current service level would be sustained, along with the purchase of some capital equipment. Discussion ensued regarding funding of the Police Department budget. The Mayor noted that funding can be accomplished through levies or by changing the tax credit.

Referring to the information provided by Mr. Martinet regarding current levies, Councilman Lesnick suggested the possibility of rolling the levies together into one operating levy.

Mayor Davidson stated that Resolution No. 18-R-36 asks for what is needed, noting the importance of utilizing grants whenever available. He noted that it will not provide for unnecessary capital purchases, but it supports the Police Department and the General Fund.

Mr. Lesnick stated that there has been no discussion of the need for the additional funds that the levy would provide. Mayor Davidson stated that he is continually looking at the direction of the budget and support for the City to maintain its Departments using the right tools, noting that the voters should have an opportunity to choose whether to maintain current services. Recognizing that further discussion is needed, the Mayor requested that Council adopt Resolution No. 18-R-35 tonight, and he will provide further information for discussion and consideration of Resolution No. 18-R-36, and let the voters decide. Mayor Davidson stated that he believes it is important for the solvency and financial health of the Police Department.

NEW BUSINESS – RESOLUTION NO. 18-R-35 (continued)

There was discussion regarding timing in order to place a levy on the November ballot. Mr. Martinet noted that the deadline for submission to the Board of Elections is 90 days before the election. Mr. Lesnick questioned the urgency to place this on the ballot in November, noting that it could be done in May. Council President Potter suggested that discussion be held regarding all the levies in relation to the budget, noting that he believes broader conversation is needed before placing this levy on the ballot.

Mayor Davidson noted that although the Police Department budget was funded, the City did not fund their entire request, including the capital request of the PSAP.

With regard to timing, Councilman Skrbis stated that he believes a special meeting would be needed in order for Council to fully discuss this before the deadline to place it on the ballot. Mr. Skrbis stated that he does not have any concern about adopting Resolution No. 18-R-35 and further discussing this before the election deadline, recognizing that it would not go forward if Resolution No. 18-R-36 is not adopted by Council before the election deadline. Discussion ensued regarding the process and timing, and Council members indicated the need for broader review and discussion.

Mayor Davidson stated that he placed this issue on the agenda, recognizing that there is a financial need. He stated that the decision is up to Council, noting that he understands Council's desire for broader discussion.

There was discussion regarding the CRA and possible income for the City. Mr. Skrbis noted that the likelihood of the CRA generating the same amount of funding that would be generated by a replacement levy is very slim. Mr. Skrbis noted that the two items that have been discussed in the past that would generate a large amount of revenue are the tax credit and levy replacements. Mr. Lesnick stated that the City needs new ways to generate revenue and decrease expenses, noting that more discussion is necessary. Mr. Lesnick stated that he does not understand the urgency for placing this on the ballot in November, as opposed to waiting until May. Mr. Skrbis noted that the revenue generated in May would be realized almost one year later.

Responding to Councilman Lowery, Mayor Davidson confirmed that he does not have any concerns about safety of the citizens if Council does not pass this resolution tonight. The Mayor stated that he is looking at this long-term, into 2019 and 2020, for the Police Department budget, the General Fund and the levels of service to residents. The Mayor stated that the intent is to secure the City's budget to sustain the level of services.

Mr. Lesnick inquired about future projections for the budget if there are no cuts. Mr. Martinet stated that he prepared an inflation adjustment a few years ago, noting that he has a format that can be followed.

Mr. Skrbis moved to waive the rules of Council to take comments from Betsy Phillips, who served on the Fiscal Review Task Force. Mr. Lesnick provided the second, and the motion passed by unanimous vote.

Betsy Phillips, 9148 Timothy Lane, stated that she was one of the volunteers who served on the Fiscal Review Task Force, and she was part of the team that reviewed the Police Department budget. Ms. Phillips stated that some of the information that Council is looking for may be included in the bulk of information provided by the Task Force. She noted that there are spreadsheets that may answer the questions about revenue, revenue sources and the differences between the income sources in the Police Department. With regard to a replacement levy, Ms. Phillips stated that the Task Force also did research on levies vs. the tax credit.

NEW BUSINESS – RESOLUTION NO. 18-R-35 (continued)

Mr. Lesnick stated that Council has seen only a power point presentation submitted by Mr. Slapnicker. He noted that after talking with Mr. Slapnicker, he received information regarding the Fire Department and the Service Department, but he has not seen anything regarding the Police Department. Mayor Davidson noted that a records request was made by Finance, and a very large electronic document was provided and shared.

Ms. Phillips stated that the Police Department's budget was tight, clean and well presented, and there was little that she could recommend. Ms. Phillips stated that she is strongly passionate about Kirtland keeping its own dispatch, not only from the perspective of a citizen and lifelong resident, but also from a fiscal perspective, looking at the ability to control the destiny of the money the City is spending and decisions being made with the Department. She stated that if the City hands off that function to Central Dispatch, the City will never get it back; and the inconsistency and the unreliability of their work on contracting that kind of service with the City, and the incompatibility and the cost associated with making Kirtland's equipment compatible, will blow the budget. Ms. Phillips stated that it is her opinion that the best decision is to keep dispatch in Kirtland.

With regard to the proposed off-street parking ordinance amendment, Ms. Phillips stated that she cannot find anything relating to penalties for violation. Mr. Richards advised that the Zoning Code contains a penalty clause relating to violations of the Zoning Ordinances. Ms. Phillips stated that she was unable to determine who enforces the ordinance and the process for notification of a violation. She stated that the community had concerns about exemptions, such as exemptions for agricultural use or exemptions based on the lot size. Mr. Potter stated that there was no distinction of lot sizes. It was noted that the Law Director will address her questions by e-mail.

Upon completion of discussion of Resolution No. 18-R-35, Mr. Kirek moved to waive the three readings. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER, SKRBIS AND SMOLIC. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek.

In discussion of the motion, Council President Potter stated that he has prepared a statement in anticipation of this moment. Mr. Potter read the following statement and provided it to the Clerk of Council for inclusion in the meeting minutes:

First, I want to articulate beyond any shadow of a doubt, that I whole-heartedly respect and support our Kirtland Police force. I can say this with such confidence, as I have now voted to pass three budgets that fully funds the department. Most recently, in 2018, I supported a police department budget that asked for over 13% more funding than in 2017. I stand behind the men and women that put their lives on the line, both day and night, to keep my family and community safe. I would never want their job, and I marvel at their bravery and commitment.

That said, I have to say that I was taken by surprise when four days ago, on my family vacation, I received my council packet via email and saw this legislation to raise property taxes on the docket. Although the mayor had mentioned in passing several months ago, that he might consider a Police replacement levy to buoy the general fund, having no substantive discussion, then or leading up to today on this subject, I was obviously perplexed. On Sunday, in an email, the mayor stated that the tax increase would "help secure the general fund." I don't necessarily disagree with that sentiment but would caution voting for this legislation due to the lack of process that would help this council to better understand the timing and necessity for a permanent property tax increase.

To approach Kirtland's residents with a permanent property tax increase should only come at the end of comprehensive dialogue and fact producing conversations. Proposing to raise any tax must be considered only after we have been led to that decision in the context of understanding our overall needs as well as our anticipated expenditures and revenues.

NEW BUSINESS – RESOLUTION NO. 18-R-35 (continued)

To understand our expenditures and peering into potential cost cutting measures often requires the elimination of emotion and subterfuge. Recently, we began the financial examination of our Dispatch Department as a city service. The question is, whether or not it makes financial sense to switch to the County's central dispatch. Of course, in this fact-finding endeavor, we will and we must keep our residents safety a priority. As we conduct our interviews and work through the process, we will do so, thoughtfully, deliberately, and rationally.

I want to make clear that this proposed legislation does not change the funding for our police department and in fact has nothing to do with funding for the police department at all. The police department has been and continues to be fully supported and funded by council as evidenced by the approved 13% increase for 2018 and previous increases. There has been no request for additional funding for the police department and this proposed legislation is nothing more than a clever approach to get approval for more revenue for the general fund. A vote against this proposal in no shape or form should reflect a lack of commitment to our brave officers nor should it cause concern for safety in our city. Rather it is councils' continued commitment to be open and honest with the residents as we work on a more sustainable operating budget.

I am confident that we can do better. I am hopeful that we will work together as council and administration to enter into broader discussions that consider each department's needs, both for today and tomorrow. We must recommit ourselves to having thoughtful, unemotional dialogue and do so as independent thinkers. In doing so I know we will be better off.

I thought a lot last night about this proposed legislation and how I might explain a "no vote" - if I came here tonight and ultimately didn't have the necessary information nor had the necessary dialogue to support it. After hearing the rationale and explanation, as to the necessity and timing of this proposed property tax increase- I will be voting no for the reasons offered here tonight and will submit a copy of this for the record.

Noting the reference to his memo in Mr. Potter's statement, Mayor Davidson requested that the following correspondence, which he sent to City Council, also be incorporated into the meeting minutes:

Why a Police Replacement Levy and Why Now?

- 1. We need to look at the fiscal health of the city as a whole. Where will we be in 2019? Where will we be in 2020?
Currently the Police Operating Levy generates 7% of total levy revenue. Total levy revenue is \$1,569,000 therefore the Police Levy is bringing in approximately \$109,000. These numbers come from the chart in the 2018 budget book which you should have available. The Total Departmental Budget for the Police Department is \$1,497,650 (again per the charts in the budget book). We therefore have \$1,388,650 coming mainly from the General Fund to support Police.*
- 2. Our General Fund is weak as noted in the Auditor's Financial Health Indicators chart for 2017 which I have pasted below. Funding more of the Police Department through replacement of the 1982 levy will relieve pressure from the General Fund, improving our financial condition. In round numbers if the replacement levy yielded \$600,000 we deducted the \$109,000 from that total, the net improvement would be \$491,000 to the General Fund.*

NEW BUSINESS – RESOLUTION NO. 18-R-35 (continued)

Customer Name	Filing Type	County	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	#17	# of Critical	# of Cautionary	Filing Status
Geneva	GAAP	Ashtabula	Green	1	4	Preliminary																
Germantown	Cash	Montgomery	Green	0	0	Incomplete Data																
Girard	GAAP	Trumbull	Green	0	0	In Progress																
Grandview Heights	GAAP	Franklin	Green	0	2	Preliminary																
Green	GAAP	Summit	Green	0	2	Preliminary																
Greenville	GAAP	Darke	Green	0	2	Preliminary																
Grove City	GAAP	Franklin	Green	1	4	Preliminary																
Groveport	GAAP	Franklin	Green	3	1	Preliminary																
Hamilton	GAAP	Butler	Green	4	3	Preliminary																
Harrison	GAAP	Hamilton	Green	0	2	Preliminary																
Heath	GAAP	Licking	Green	1	1	Preliminary																
Highland Heights	GAAP	Cuyahoga	Green	1	3	Preliminary																
Hilliard	GAAP	Franklin	Green	1	2	Preliminary																
Hillsboro	GAAP	Highland	Green	2	2	Preliminary																
Hubbard	GAAP	Trumbull	Green	1	2	Preliminary																
Huber Heights	GAAP	Montgomery	Green	1	3	Preliminary																
Hudson	GAAP	Summit	Green	0	2	Preliminary																
Huron	GAAP	Erie	Green	1	2	Preliminary																
Independence	GAAP	Cuyahoga	Green	0	1	Preliminary																
Ironton	Cash	Lawrence	Green	0	0	Incomplete Data																
Jackson	GAAP	Jackson	Green	2	2	Preliminary																
Kent	GAAP	Portage	Green	0	2	Preliminary																
Kenton	Cash	Hardin	Green	0	1	Preliminary																
Kettering	GAAP	Montgomery	Green	1	2	Preliminary																
Kirtland	GAAP	Lake	Green	3	3	Preliminary																
Lakewood	GAAP	Cuyahoga	Green	3	4	Preliminary																

3. *The City has three Critical indicators: #8 “Percentage of General Fund Revenues that Exceed General Fund Expenditures”. #9 “General Revenues of GTA / Net Expenses of GTA” and #11 “Condition of Capital Assets*”. In addition, we have 3 Cautionary indicators #5, #14, and #15.*
4. *I can appreciate the questions on the Police budget itself, and expected changes for the coming year. The purpose of the replacement is to fund police from a police levy to a greater degree and also help secure the general fund.*
5. *We should be acting now to secure the financial health of our city so we can continue to provide services. We do know that Local Government Funds previously received from the State of Ohio are not coming back. We do not know whether a renewal of a road levy is likely. We act as Administrators and Legislators for this community to show good stewardship of the funds we have, and to seek efficiencies. We also need to put the issues in front of the constituents for their decision.*
6. *In order to get the issue before the voters it must first go to the Auditor for valuation, and then would go to ballot for the general election, subject to meeting the timelines for those events.*

We know that we live in one of the safest cities in the State of Ohio. We can all acknowledge the realities of the budget, both expenses and revenues. I trust that we respect the right of the voter to make these judgements and put the issue before them. In doing so, irrespective of structural change issues, we give the voter an opportunity to secure services and operations that benefit them.

Councilman Lowery stated that he has also prepared a statement, which he read and provided to the Clerk of Council for inclusion in the meeting minutes:

First and foremost for the record, I am in full support of the exceptional work and dedication that the men and woman within our Police Force perform each and every day in this Community. This topic requires an in-depth discussion and analysis so an informed decision can be made by all.

After listening to and questioning the rationale and reasoning for this resolution 18-R-35, from both its timing and need to adopt, I will be voting NO. Here is my reasoning!

NEW BUSINESS – RESOLUTION NO. 18-R-35 (continued)

After being involved in my first budget review as a city councilman back in the 1st quarter 2018, I fully supported a double digit increase in the 2018 police department budget. To my knowledge, this approved budget fully funded the police needs for the 2018 fiscal year.

I knew that one of the hardest decisions seated here was to support the raising of taxes in our Community. To that end, there has been no formal or informal dialogue, committee meetings or productive conversations as it relates to a police replacement levy. I received my first and only notice of this legislation last Friday.

If this is a levy for our police forces, I am still unaware of the need. If this is as suggested by the mayor to “help secure the General Fund”, as stated in an e-mail received yesterday afternoon, then before I can vote appropriately, I feel we need to understand to a much greater degree any and all cost realigning initiatives that can offset increasing costs, and know to a great degree where the new levy money will be spent.

My NO vote does not impact our police force in any way and does not decrease any current funding set in place for the same. I am fully committed to doing what is right for this community, and our police forces, however as a council, and city administration we must work together for the common good and have improved open honest discussions. We can do better I am sure of it. A copy for the record will be submitted.

Voting began on the motion to declare an emergency and adopt Resolution No. 18-R-35. **ROLL CALL: DEFEATED 5/1 (VOTING NAY: LESNICK, LOWERY, POTTER, SKRBIS AND SMOLIC. VOTING YEA: KIREK).**

RESOLUTION NO. 18-R-36
(Mayor Davidson)

- **A RESOLUTION PURSUANT TO SECTIONS 5705.03(B), 5705.19, 5705.191 AND 5705.192 OF THE OHIO REVISED CODE SUBMITTING TO THE ELECTORS OF THE CITY A QUESTION OF PROVIDING FOR A REPLACEMENT OF AN EXISTING 2.5 MILL TAX LEVY, IN EXCESS OF THE TEN MILL LIMITATION, 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 DECLARING AN EMERGENCY.**

Read by title only. Resolution No. 18-R-35, the same being a tax levy resolution of necessity, being defeated, Resolution No. 18-R-36, the same being the related tax levy resolution to proceed, dependent upon passage of the previous resolution of necessity, thereby became void and a nullity and is stricken from the agenda accordingly.

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Lesnick requested that moving forward, especially when issues concern the finances of the City, Council be provided with more time for discussion and a sufficient amount of information, rather than emergency legislation with the need to waive readings. He noted that this would help reach a consensus, noting that he believes everyone is trying to do the best for the City, but there are some issues that need to be resolved collectively.

Mayor Davidson stated that it is not his belief that Council does not support the Police Department. The Mayor stated that his concern is for the service levels to residents, the Police budget and their equipment, and the General Fund. Mayor Davidson stated that the reason this legislation was put before Council in this manner was because the timing was imminent to put it before the voters in November. The Mayor noted that it should have been brought to Council sooner and he agreed that it bears more discussion.

Council President Potter thanked Councilman Lesnick and Mayor Davidson for the follow-up comments, noting that he is in agreement that matters should be brought before Council with sufficient information and time for necessary discussion.

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 10:08 p.m.

President of Council

Clerk of Council