

## KIRTLAND CITY COUNCIL MINUTES

September 17, 2018

The meeting of Kirtland City Council was called to order at 7:06 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 Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

### NOPEC AWARD PRESENTATION

Tony Ramos, Community Outreach Manager of NOPEC, stated that since 2016 NOPEC has had a recognition program to thank individuals in the communities they serve; he noted that in 2016 they recognized executive assistants to Mayors and City Managers, and in 2017 they recognized Council clerks. Mr. Ramos stated that they have expanded the program to recognize Finance Directors and Fiscal Officers in their communities. He stated that it is his pleasure to recognize Finance Director Keith Martinet. Mr. Ramos presented Mr. Martinet with a gift and a Certificate of Recognition for his expertise and leadership in the City. Mayor Davidson and Council President Potter stated their appreciation to Mr. Martinet, noting that he does excellent work for the City. Mr. Martinet received the applause of those present; he recognized Lisa Knazek, Chris Speece and Helen Petersburg for their assistance, and he expressed his appreciation for the recognition.

### MINUTES OF THE AUGUST 20, 2018 FINANCE COMMITTEE 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 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

### MINUTES OF THE SEPTEMBER 5, 2018 WORK SESSION:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Kirek moved to approve the Minutes, as presented, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

### MINUTES OF THE SEPTEMBER 5, 2018 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Kirek moved to approve the Minutes, as presented, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

**DEPARTMENT REPORTS:**

**Fire Chief Anthony Hutton** did not present a formal report and no questions were asked of him.

**Police Chief Lance Nosse** did not present a formal report. In response to inquiries from Council President Potter regarding the resource officer at the Kirtland Schools, Mayor Davidson advised that \$39,000 is funded by the school. Chief Nosse stated that it is not a full-time position – the officer is part-time for the City and part-time for the school; he is at the school approximately seven hours per day. Chief Nosse stated that for this to be a full-time position, it would involve additional pay and benefits. Chief Nosse stated that the officer is there only for the school; there is not a replacement if he is out for the day. The Chief noted that the resource officer communicates with the School Administration and the Police Department every day, and he has access to the cameras. The Chief stated that he has had brief discussions with the school, noting that he would like to see a full-time officer at the school, along with a part-time officer for certain situations; he would also like to have a better security camera at the school. He noted that a full-time officer dedicated to the school during school hours could be utilized by the City after school hours and during the summer for other needs of the City. With regard to whether the City can afford to add another school resource officer to assist in school safety, Chief Nosse stated that he would have to defer to the Mayor and Finance Director. The Chief noted that he would expect that an additional resource officer could assist with an emergency elsewhere in the community.

**Service Administrator Carm Catania** advised that the Service Department is replacing some of the concrete in front of Fire Station No.1, and they will start pothole patching and backfilling.

Council President Potter inquired if Markell Road was included in the bid for striping. Mr. Catania noted that it was not included; Mayor Davidson stated that it will probably be an addendum contingent on Mr. Catania's observation and the bid prices.

Referring to the financial information provided during the work session relating to Singlefoot and Arborhurst, Councilman Lesnick inquired if there would have been additional cost for excavating. Mr. Catania stated that there would have been additional cost if it had been hauled out of the City; he noted that the cost of dumping the material is included, with the exception of an additional \$1200 to \$1500 to finish that work. Mr. Catania stated that the savings was approximately \$29,000 from the lowest bidder compared to trucking the material out of the City. There was discussion regarding the breakdown of costs. Mr. Catania stated that the roads are complete, and he explained what is needed to complete the work where the material was dumped. Mr. Lesnick inquired if there is a plan and if it addresses the EPA concerns. Mr. Kiefer stated that he will forward the plan by e-mail; he noted that the EPA has not contacted the City with regard to any concerns. Mr. Kiefer stated that the EPA came out and took pictures. Mr. Kiefer stated that the dirt needs to be put in and grass needs to be growing before winter; he noted that the EPA asked the City to send a letter explaining what was being done. Mr. Kiefer stated that he sent an e-mail to the EPA advising that the City will be finishing the work.

Mr. Lesnick stated that he would like to see a "roll-up" of the financial data regarding the roads. Mr. Martinet advised that he will provide that information.

Councilman Schulz inquired about property at 8873 Billings with regard to mowing. Mr. Catania stated that it needs to be mowed within 50 feet of the house, noting that it appeared to meet that requirement.

Council President Potter inquired about the city labor on Singlefoot and Arborhurst. Mr. Catania stated that material and labor costs were included in the \$200,000 that was borrowed. Referring to discussion at a previous meeting, Mr. Catania stated that it will not be necessary to cut the curb out next year.

**DEPARTMENT REPORTS (continued):**

Responding to Councilman Smolic, Mr. Catania stated that Landco was done removing the concrete on Singlefoot on a Friday, and 6 to 8 inches of sand was found under the concrete. Mr. Catania stated that with rain in the forecast, the sand was scraped out and stone was put down so the residents could get in and out of their driveways over the weekend. He stated that when they went back after the weekend, the stone was moved to one side, base repair was done and the stone was put back.

There was discussion regarding reporting of costs of road projects, with regard to the document provided for Singlefoot and Arborhurst. Discussion ensued with regard to allocating of costs against the road levy and the road fund, as it relates to the borrowed funds.

Councilman Lowery inquired what street will be addressed next. Mayor Davidson stated that there is additional patching work to be done, and the intent is to receive quotes on Booth Road to do as much as possible with the remaining dollars.

Councilman Skrbis inquired about property at 10993 Chillicothe Road, noting that the property owner was getting some water run-off following ditch filling. Mr. Catania stated that he will be going back out to look at the property, hopefully next week.

Councilman Lowery stated that there are lengthy traffic back-ups because of the light at Route 306 and Eagle Road, as discussed at the last meeting. He inquired whether anything can be done before the road is completed. Mr. Catania stated that he will contact Lake County regarding the traffic light, noting that it goes into default mode. He noted that it could possibly be set to a shorter time on Eagle in the mornings when Route 306 is busy.

Council President Potter inquired about the 300 ft. of pipe and ditch work that was to be done on Route 306. Mr. Catania stated that the work was started, then the Department stopped work to be out of the way for the contractor. He stated that the Department will start work again after finishing work at the Fire Station, if the contractor is not back by that time.

Mr. Potter stated that he received a complaint about a mini-van covered with a tarp on the south side of Elm Street, and it has been there for years. Mr. Catania stated that he will look at this.

Mr. Smolic stated that the apron at the Fire Station on Route 306 is bad, and he inquired if the City is going to address this. Chief Hutton stated that concrete is being replaced at Station 1 now, noting that he is planning to discuss this with Mr. Catania.

**City Engineer Philip Kiefer** did not present a formal report. Responding to Councilman Lesnick, Mr. Kiefer stated that site and grading plans were not submitted for 9304 Chillicothe Road prior to the City beginning work there. Mr. Kiefer stated that for a City project, the property owner does not have to submit a site plan. Mr. Lesnick inquired if the Ordinances address a City project on private property. Mr. Richards stated that it was a City project with the purpose of depositing the concrete from Singlefoot and Arborhurst in the most economic manner. Mr. Richards noted that the previous property owner had been in discussions with the City regarding the potential of utilizing that space for dumping the concrete and getting rid of some of the excess fill located on the Service Department premises. Mr. Richards stated that this was sought by the City, not by the property owner, for the City's use of the property without payment to the property owner; he noted that an oral agreement was reached between the City and the property owner prior to anything being dumped on the property. Responding to Mr. Lesnick, Mr. Richards confirmed that an unconditional release was not obtained from the property owner. Discussion ensued in this regard; Mr. Richards noted that the City has used private property in the past for a similar purpose.

**DEPARTMENT REPORTS (continued):**

**Finance Director Keith Martinet** advised that he prepared and distributed financial statements, noting as a reminder that summary statements are being provided to Council in paper format and detailed statements are provided to Council by e-mail and posted on the website.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson stated that he believes most of the people in the audience are present with regard to Resolution No. 18-R-38 regarding the purchase of the PSAP. The Mayor stated that under the leadership of Councilman Schulz, the Police and Fire Standing Committee Chairman, discussion will continue at the Standing Committee meeting following tonight's regular Council meeting; and he invited the audience to stay for that meeting. Mayor Davidson stated that it has been budgeted and it is the recommendation of the Administration that the purchase of the PSAP go forward.

With regard to the road at the Recreation Park, from behind the school to the park, Councilman Lowery inquired if there has been any progress and requested an update on what is happening with that road. Mayor Davidson stated that for the north side, the County rejected the initial design. He noted that it has been re-designed and approved by the County and assigned to an engineer within the Department. The Mayor noted that discussions have been held with the County; the City suggested a more simple plan and a request letter was sent to the County. The Mayor noted that it is a 3:1 slope ratio. He stated that Mr. Catania already completed the south side, very economically, to separate the students from vehicles. The Mayor noted that there has been some patching on the road. Mayor Davidson stated that it is a priority, and there will be follow-up with the County.

Mr. Lowery inquired about the parking lot at the Recreation Park; he stated that it is almost impassable and he inquired if anything can be done. Mayor Davidson stated that the City will have it graded and smoothed out.

With regard to the Community Center, Mr. Lowery stated that he appreciates that the porta-potty was replaced, but it looks bad again. With regard to the funds encumbered for community resources for senior citizens, Mr. Lowery inquired if interior and exterior bathrooms can be constructed to help the community. He noted there are a lot of parents and children, not only from Kirtland, but from other communities as well, using that outdoor area for sports functions. Mayor Davidson stated that if the City had a larger staff and did not have to prioritize, it would probably be done sooner. The Mayor noted that the Community Center is a process, starting with the new roof, new air conditioning, new septic treatment system, new windows, new floors, new equipment in the kitchen, new foyer, new gymnasium, bocce ball court and pavilion for rent. The Mayor stated that he agrees that restrooms outside the main building are an objective, along with pickleball courts; he advised that the City is working toward those objectives. The Mayor stated that a scope of work must be developed, and it must be sent out for bid.

**STANDING COMMITTEE REPORTS:**

Councilman Schulz advised that the Police and Fire Standing Committee will meet immediately following tonight's Council meeting.

**CORRESPONDENCE:**

Council President Potter reported on the following:

1. From the Ohio Division of Liquor Control, the notice of request for transfer of a D5 permit from Pub No. Seven LLC, dba The Copper Top Pub at 9264 Chillicothe Road, to TCE Kirtland Lodge LLC, at 9304 Chillicothe Road. Councilman Lesnick stated that in looking up the permit number, there is reference to a transfer of a D3 permit for spiritous liquor until 1:00 a.m., and there is an application pending for an A5 permit, which is a new license in the State of Ohio for alcoholic ice cream. Mr. Lesnick stated that there is also an application pending for a D5 permit, which allows sale of beer, wine and spiritous liquor, over 21 percent, on premises until 2:30 a.m. and it allows the sale of beer, wine and mixed beverages in sealed containers for carry-out until 2:30 a.m. Mr. Lesnick questioned why the City did not receive any notice regarding the A5 permit. With regard to the A5 permit, Mr. Richards stated that by the recently enacted legislation, the State of Ohio has permitted the combination of ice cream and alcoholic beverage, up to 5 or 6 percent. Mr. Richards stated that this is regulated by the Division of Liquor Control. Mr. Richards discussed the basis of objection, referring to an objection to a past request. There was discussion in this regard. Noting that there is a time limit involved, Councilman Skrbis inquired if it would be possible to receive clarification on the permit requests before Council decides whether to request a hearing. Upon discussion, Council President Potter stated that he will contact the property owner for clarification of the permits requested.
2. From the Ohio Division of Liquor Control, the notice of request for a new C permit for Tyseco Catering & Event Planning LLC, dba Kirtlander Party Center, at 9270 Chillicothe Road. There was no discussion in this regard.

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

Noting that he anticipates that many of those in the audience are in attendance with regard to Dispatch, Council President Potter advised that this matter will be addressed at the Police and Fire Standing Committee meeting following the Council meeting; he noted that there will be a time for public comments during the Standing Committee meeting.

There were no comments from the public at this time.

**OLD BUSINESS:**

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

The legislation remains tabled.

**RESOLUTION NO. 18-R-38** - (Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A NEW CALLWORKS CALLSTATION PSAP FOR USE BY THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.  
(Mayor Davidson)

Read by title only. Mr. Lesnick questioned whether Council has received all the information requested from the Police and Fire Chiefs. Mr. Lesnick noted that there was a time limit on the pricing. Chief Nosse advised that the vendor will adhere to the original price quoted.

**OLD BUSINESS – RESOLUTION NO. 18-R-38 (continued):**

Noting that there is a Committee meeting following tonight's Council meeting, Mr. Potter recommended that the legislation be tabled until Council receives all the information needed in this regard. Mr. Potter noted that there will be further correspondence with Captain Warner of Central Dispatch, noting that his attendance will be requested at an upcoming meeting, with a Finance meeting following to review the costs.

Mayor Davidson stated that the PSAP was included in the budget, noting that he does not believe there is a reason to table the legislation. The Mayor stated that there will be time for further questions at the legislation's Third Reading on October 1. The Mayor stated that there has already been a great deal of documentation and consideration involved.

Councilman Skrbis stated that he does not believe there is a need to table the legislation tonight, noting that if questions remain unanswered it can be tabled at Third Reading.

Chief Hutton stated that he feels confident that he can answer any further questions tonight that Council may have. Mr. Potter stated that he does not see this discussion ending without a conversation with Central Dispatch, therefore it is his recommendation to table the legislation.

Responding to Mr. Potter, Mr. Richards advised that if the legislation is amended at Third Reading, it will revert to Second Reading. Mr. Richards advised that if it is tabled but not amended, it does not revert to Second Reading.

Councilman Schulz stated that he appreciates the questions he received from Council to date, and he has done his due diligence in submitting those questions to the Chiefs to get answers back to the Committee members and Council. Responding to Mr. Potter regarding visiting Central Dispatch, Mr. Schulz stated that he would have appreciated the courtesy of being notified and included as Committee Chairman when several members of Council went to visit Central Dispatch.

Councilman Lowery inquired what would happen if the current system crashes. Chief Nosse stated that the dispatchers can still answer the phones without the PSAP; he stated that the PSAP provides a precise location of where the call is coming from, either from a cell phone or a land line. The Chief stated that regardless of whether the system is working, the dispatchers still receive the call and they dispatch the call. Chief Nosse stated that Central Dispatch receives all calls from cell phones, throughout the County; he stated that the PSAP would currently provide that information, but the contract is with Central Dispatch through the State of Ohio.

Mr. Lowery moved to table the legislation, with the second by Mr. Potter. **ROLL CALL: MOTION CARRIED 4/3 (VOTING YEA: LOWERY, POTTER, SMOLIC AND LESNICK; VOTING NAY: SCHULZ, SKRBIS AND KIREK).**

**NEW BUSINESS:**

**RESOLUTION NO. 18-R-39**  
**(Mayor Davidson)**

- **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

**NEW BUSINESS – RESOLUTION NO. 18-R-39 (continued):**

Read by title only. Mr. Lesnick 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. Lesnick moved to declare an emergency and 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. 18-R-40** - **A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE NOVEMBER 30, 2018 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**  
**(Mayor Davidson)**

Read by title only and placed on First Reading.

**RESOLUTION NO. 18-R-41** - **A RESOLUTION ACCEPTING THE PRELIMINARY PLAN OF THE DIGGS SUBDIVISION.**  
**(Council President Potter)**

Read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).** Mr. Lowery moved to adopt, with the second by Mr. Lesnick. **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:**

Councilman Lesnick noted that at the last meeting, SME provided a power point presentation and proposal with regard to road evaluation. Mr. Lesnick recommended that Council look into this, noting that it provides a way to evaluate the roads utilizing a machine that puts sonar waves into the ground and provides a very detailed evaluation to prevent under-paving and over-paving, as it relates to soil stabilization and sub-base. Mr. Lesnick stated that the proposal was \$59,000, which would be rolled into the annual road plan.

Council President Potter inquired about the status of the road condition report from CT Consultants. Mr. Kiefer stated that the engineer is busy working on the report. Mayor Davidson stated that he signed a purchase order for a road plan, meeting the requirements of the legislation passed by Council. The Mayor stated that the legislation Council adopted asked for the ODOT type of plan, which is being provided; he noted further that this is an administrative function. Mr. Potter stated that Council will wait to see the report from CT Consultants, and then they will compare and contrast with the other opportunity. Mr. Lesnick stated that this is new technology, noting that this method would provide a report in three to four weeks.

**PUBLIC COMMENTS:**

**Tom Booth** stated that with so many people present to voice their concerns, he hopes that Council members will all stay for the committee meeting to hear those concerns. Mr. Schulz stated that all Council members are always welcome at all Committee meetings.

**ADJOURNMENT:**

Mr. Lesnick moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 8:53 p.m.

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President of Council

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Clerk of Council