

KIRTLAND CITY COUNCIL MINUTES

May 21, 2018

The meeting of Kirtland City Council was called to order at 7:01 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: 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, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

MINUTES OF THE MAY 9, 2018 GENERAL COMMITTEE WORK SESSION:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Kirek moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/2 (VOTING YEA: SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: SKRBIS AND SCHULZ).**

MINUTES OF THE MAY 9, 2018 WORK SESSION:

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

MINUTES OF THE MAY 9, 2018 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton stated that Council may see the old yellow fire truck on the road for the next week or two, noting that Station Two's front-line engine is out for repairs to the light tower and the generator. Councilman Lesnick inquired if the yellow truck will still be used once the new truck arrives; Chief Hutton replied that it will be gone.

Police Chief Lance Nosse did not present a formal report. Referring to a recent shooting in the country, Councilman Lowery inquired if anything new is being done in the schools with regard to safety. Chief Nosse stated that the Department is in the process of external training, and the school has a plan in place. The Chief noted that the Police Department is working with the School District to secure the schools the best that they can. Councilman Lesnick noted the importance of getting people to communicate when they know of a problem. Chief Nosse stated that they encourage people to call and keep the Police Department informed, noting that the Department promotes "see something, say something." Mr. Lesnick suggested that this should be promoted in the Kirtland newspaper. Chief Nosse stated that this is promoted on social media as well as printed media, noting the importance of people speaking about this with their children.

DEPARTMENT REPORTS (continued):

Chief Hutton noted that he and the Police Chief recently spoke at a school assembly, and they met with the PTA and School Administration about incorporating the barricade (door-blocking) device. Chief Hutton stated that it is his understanding that the PTA plans to purchase some of the barricade devices. Chief Hutton advised that Police and Fire are involved in a task force incorporating firefighters and paramedics entering into a building with police protection, noting that there is a lot of ongoing work behind the scenes. Chief Hutton stated that the Fire Department has twelve ballistic vests and is working to obtain ballistic helmets; he noted that most of the equipment has been purchased with grant money.

Mr. Lesnick stated that Council should look into promoting "see something, say something"; Council President Potter requested that the Police and Fire Standing Committee look into this.

Sterling Coleman, 7636 Markell Road, stated that his son is a police officer in Florida. He stated that police officers are in heavy training mandated by ordinances for learning to treat people nice, especially minorities; they also have to learn how to administer Narcan for opioid overdoses; and they are asked to be available immediately for schools. Mr. Coleman stated that when someone tells him they want more safety, he asks how much they are willing to pay.

John Florentine, 7360 Ledgewood Drive, stated that in the last two shootings, the guns were taken from the fathers, who claimed the guns were locked up. Mr. Florentine stated that the gun owner has responsibility to make sure they are the only ones who can access the guns. Chief Nosse stated that there is existing legislation requiring that necessary steps be taken for the securing of weapons; however, he noted that if the child is savvy enough to break through the safety precautions that the parent has taken, there is no legislation addressing that. Mr. Florentine inquired if the City can pass additional ordinances. Chief Nosse stated that he would need to address this with the Law Director; however, he noted that the State legislation pertains to a felony offense, which would supersede the misdemeanor offense of the City.

Patricia Zaller, 9690 Glenstone Drive, stated that the City could not invade privacy by going into homes to see if the gun owner has safes; she stated there would be no way for the City to enforce something like that.

Council President Potter stated that this is an important discussion, noting that the City can follow-up on the points that were raised.

City Engineer Philip Kiefer advised that he met with the Lake County Department of Utilities and the Lake County Health Department last Thursday to discuss next week's presentation. Mr. Kiefer stated that Mr. Rothlisberger prepared an estimate for the assessment, noting that if the sewers are installed in the tree lawns it would be \$4,000 less per benefit unit (\$27,000). Mr. Kiefer stated that his estimate was based on worst-case scenario if the sewers must be placed in the street (\$31,000). Mr. Kiefer stated that he also calculated that if the entire neighborhood is sewerred, the assessment would be \$25,000 to install sewers in the street; he noted that the cost to install the sewers in the tree lawns would also likely be reduced to approximately \$22,000 to \$23,000.

Councilman Schulz inquired if information will be provided regarding the types of septic system replacements (mound system, drip system etc.) so the residents can compare the costs, and advising residents that with the municipal sewer system there would be no additional maintenance or replacement costs for the twenty-year period. Mr. Kiefer noted that this can be discussed at the meeting. He noted that he is reducing his part of the power point presentation so there can be more of this type of discussion. Mr. Kiefer stated that the only replacement system that would work in that area is the EPA approved discharging system because of the small lots. Mr. Kiefer stated that the EPA systems are less expensive than sewers initially, but at some point the sewers become less expensive in total cost; he noted that he will have a couple graphs at the meeting.

DEPARTMENT REPORTS (continued):

Council President Potter stated that there was some discussion about the sewers in the Charlesderry area, noting that there was longer term financing as a result of the median income and the assessment was quite a bit less (\$400 per year for 20 years; then it decreases for the next 20 years). Mr. Kiefer stated that the assessment for the Temple View project was less as a result of grant money, because the median family income was below \$28,000. Mr. Potter inquired when this type of analysis would be done for the current project. Mr. Kiefer stated that it must be done by the Lake County Planning Commission, and the City would have to hire them to perform that analysis; he did not know the cost of having the analysis done. Responding to Mr. Schulz, Mr. Kiefer stated that the process started (for the Temple View project) when the City applied for the USDA funding in 1999. Discussion ensued regarding the possibility of a median income analysis for the current project.

Councilman Smolic inquired whether Saxon and Eisenhower will be included in this project. Mr. Kiefer stated that the sewer will have to come down Eisenhower and the residents on Eisenhower will have to connect. He stated that Saxon is not in the original analysis, but it is included in the analysis of the entire neighborhood. Mr. Kiefer stated that the 2.9 million dollar project includes Eisenhower, and the project cost for the entire neighborhood is 5.2 million dollars.

Council President Potter inquired if there is any benefit to expand the scope of the project to include more properties, such as commercial properties near the junkyard or properties at Garfield Road and Route 615. He inquired if there is an opportunity to include City contribution, assuming the City has the money. Mr. Kiefer stated that it would be expensive to extend sewers to Garfield and Route 615, because the sewer line would have to go under the river.

Following Mr. Hlavaty's assertion at the last Council meeting that the sinkhole on Fox Hill was on City property and not on his property, Mr. Kiefer stated that he went back and looked at the tax maps, and it is indeed on City property, so the City will eventually have to fix it.

Mr. Kiefer stated that last Thursday, Mr. Catania advised him of a sinkhole that is developing on Route 306 near Chapin. He noted that he looked at it today and found that the culvert under Route 306 is rusting and has lost enough structural integrity that the sandstones on top of the pipe are starting to crush it. Mr. Kiefer stated that he does not believe it will last another 18 years until the next resurfacing, so he would like the City to consider replacing it as an emergency project. Responding to Mr. Schulz, Mr. Kiefer stated that it cannot be slip-lined. Mr. Kiefer stated that a 54 or 60 inch pipe should be used. Responding to Mr. Potter regarding cost, Mr. Kiefer stated that he hopes the cost will be less than \$50,000, noting that invitations to bid can be sent to contractors. Mr. Kiefer stated that in order to keep the cost under \$50,000, the City may supply some stone, and the City could provide flaggers for traffic control. Responding to Mr. Smolic, Mr. Kiefer stated that this should be done before milling of the existing pavement is finished; he noted that the drainage work is all south of Route 6.

Councilman Smolic inquired if more work was done last year on the culvert on the north side of Raccoon Hill. Mr. Kiefer stated that erosion control work was done, and Mr. Catania was going to try to get the road water to flow to the catch basin. Responding to Mr. Smolic regarding additional costs, Mr. Kiefer stated that it was Service Department labor.

Councilman Lowery inquired about the status of the drainage work on Route 306. Mr. Kiefer stated that Mr. Catania intends to begin that work this week, noting that equipment was down last week. Mr. Kiefer stated that the culverts have all been located.

Responding to Mr. Lowery, Mr. Kiefer advised that the drainage work can start, but it should stop during resurfacing by the contractor; he stated that the work done after resurfacing will not affect the roadway.

DEPARTMENT REPORTS (continued):

Referring to the drainage issue with the street sewer on Arborhurst, Councilman Lesnick stated that there was a question about an easement and why the City wasn't responsible, although it was road drainage. Mr. Lesnick stated that the area used to be dredged and cleaned out, noting that East Ohio Gas has an easement through there. He inquired if Mr. Kiefer has been able to determine whether there are wetlands. Mr. Kiefer stated that he is not able to determine if it is wetlands; he noted that the City would have to hire a wetlands person to look at it and determine if it is a wetland. Mr. Kiefer stated that he is not sure that the City ever did any work back there. Mr. Kiefer stated that the Corps of Engineers will come in after a wetland delineation is done, and they will either agree or disagree with the wetlands finding, but they will not do the wetlands delineation. Responding to Mr. Lesnick, Councilman Schulz confirmed that the City would have to hire an environmental specialist to test the soils; he noted that over the years, many of these stipulations have become more onerous. Mr. Schulz noted that in the past, whoever did the work may not have needed a permit, but now a permit is required and the work could not be done as routine maintenance. Mr. Schulz noted that first it would need to be determined if there is an easement; and then the City would have to find out if that area can be disturbed. Mr. Schulz stated that by not maintaining waterways, issues arise over time. Mr. Schulz stated that the City would need a drainage easement to have the ability to keep it maintained. Mr. Lesnick inquired if the cost of the study can be determined. Mr. Kiefer stated that he would need more detail, depending on how thorough of an analysis is desired; he noted that delineating the boundaries of the wetlands costs more.

Mr. Lesnick inquired about obtaining a copy of the list of drainage issues. Mayor Davidson stated that the 2016 known drainage issues poster prepared by CT Consultants is posted in the conference room, and those areas with identified drainage issues are marked in red.

With regard to the old town sewer project, Council President Potter inquired if Council can have information before that meeting regarding next steps, such as USDA information and median family income. Mr. Kiefer stated that people in the neighborhood may be able to provide insight regarding median family income. Mr. Kiefer stated that he will not have that information before the meeting, but he can provide the threshold.

With regard to the culvert issue on Route 306 near Chapin, Mr. Potter inquired if there would be money available from Lake County Stormwater. Mr. Kiefer stated that the City can look into the possibility of obtaining funding from Lake County Stormwater, if they still have money allocated for Kirtland.

Noting that there was some drainage work done on Glenstone, Mr. Lesnick inquired if it was a stopgap measure or if this is the extent of what will be done with the road; he noted that patching was done today. Mr. Kiefer stated that he does not know the extent of any additional paving.

Finance Director Keith Martinet advised that he has been working on the December 31, 2017 compiled financial statements with the auditors for the past two weeks, noting that they plan to have them issued by May 31. Mr. Martinet noted that the State auditors are still working on the audit; they are waiting for the other work to be completed.

Mr. Martinet stated that he will have the financial statements done for the next Council meeting packet.

Law Director Daniel Richards did not present a formal report and no questions were asked of him. Council President Potter thanked Mr. Richards for attending the Planning and Zoning Standing Committee meeting regarding the off-street parking, noting that it was helpful to have his input.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated that the public meeting regarding the old town area sewer project will be held on May 29 at 7:00 p.m. at Hornet Hall (Kirtland School campus) rather than at City Hall due to the anticipated attendance; he noted that 150 letters were mailed to property owners. The Mayor noted that Lake County General Health District, Lake County Stormwater Management, Lake County Sanitary Engineer and City Engineer Kiefer will be present at the meeting. He requested that additional questions be sent to Ms. Petersburg or Mr. Kiefer so they have an opportunity to provide those answers for the group. The Mayor noted that Mr. Kiefer will be looking into the possibility of OPWC funding.

The Mayor stated his thanks to the Kiwanis, Council President Potter and Councilman Smolic, Legion Post 609 and the Boy Scouts and a number of other residents who came out, along with Justin Gollin and his crew from the Service Department, to clean the Veterans' Memorial on Saturday, May 19.

Mayor Davidson stated that on May 17 he attended the mandatory member meeting of the Chagrin River Watershed Partners in Orange Village.

Mayor Davidson stated that on May 15 he attended the Northeast Ohio Mayors and Managers meeting in Columbus. The Mayor stated that as a result of that meeting, they met with Richard Cordray and Mr. Householder, the Senate Majority Leader, and Kenny Yuko, Local Minority Leader; he noted that the City should not plan on getting back any local government funds in the near term from the State of Ohio. The Mayor noted that a message was sent to the State regarding not changing the collection of local taxes.

The Mayor stated that he attended the State of the Cities luncheon on May 10 with Willoughby Western Lake County Chamber of Commerce, noting that Karen Tercek of the Chamber of Commerce would like to attend a Council meeting soon and address Council.

Mayor Davidson noted that the City sent inquiries to the Ohio Development Services Agency regarding the status of the CRA's.

The Mayor stated that May 9 was Government Day, noting that the third-graders from Kirtland Elementary School visited City Hall.

The Mayor noted that the City Engineer discussed possible emergency contracting work near Chapin; he noted that other locations with a similar situation are Gildersleeve and Tibbetts.

Mayor Davidson stated that the Memorial Day parade steps off Monday at 10:00 a.m., rain or shine, noting that the speaker is retired Command Sergeant Major Jeff Horn.

Mayor Davidson stated that he does not yet have a schedule for the crosswalk, noting that he requested his staff, including the City Engineer, and representatives from the School to come to agreement regarding an exact location; he noted that the traffic engineer will need to approve the location.

Mayor Davidson stated that complaints regarding the garbage collection trucks should be directed to Waste Management by telephone or e-mail; if residents are not satisfied with the resolution, they should contact Ms. Petersburg in Administration. He noted that Waste Management follows a process of sending complaints to the City quarterly. The Mayor stated that Vince Crawford of Waste Management has advised that their new trucks will be in use in three months.

Mayor Davidson stated that he attended last week's Planning and Zoning Commission meeting, noting that Dr. Percival's plans for the veterinary clinic were approved. The Mayor noted that Ed Francis' business (Kirtland Car Company) will remain in Kirtland, noting that his application for the business use on Route 6 was approved by the Commission.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor advised that a "Light the Flag" ceremony will be held on June 19 at 7:00 p.m. at South Cemetery, led by American Legion Post 609 Commander McCrory. He noted that this was accomplished with help from the community.

Councilman Skrbis stated that he received a call from an elderly resident of Dewey Road regarding some trees that came down; a couple neighbors were kind enough to cut them up for her, but she is looking for some assistance. The Mayor requested that a note be sent to Ms. Petersburg, and he will make sure that it is directed to Mr. Catania to see if there is anything the City can do for the resident.

Council President Potter inquired if there is any update on the roads and prioritization. Mayor Davidson stated that the engineer's estimate for Arborhurst and Singlefoot is \$530,000, which exceeds the City's financial ability; the internal estimate is quite a bit less. The Mayor stated that the intention is to follow through on the work on Arborhurst and Singlefoot, and do as much work as possible on Billings. He noted that he will have further discussions with Mr. Martinet, Mr. Catania, Mr. Smolic and Mr. Schulz before he reports back to Council. The Mayor stated that one of the concerns is the amount of base work that will be needed on Billings. Mayor Davidson noted that patching was done on Glenstone, along with the drainage work.

Councilman Lesnick inquired if there is a schedule of roads that might be patched that can be made available to the residents. Mayor Davidson stated that he does not have that list in his possession, but he will follow up with Mr. Catania.

STANDING COMMITTEE REPORTS:

Councilman Lowery advised that the Planning and Zoning Standing Committee met before tonight's Council meeting; he thanked Mr. Richards for his assistance. Mr. Lowery stated that the Committee should have a recommendation soon.

Councilman Smolic advised that a Service Department Standing Committee meeting will be held following the regular Council meeting on June 4, pertaining to Ordinance No. 18-O-17 and Ordinance No. 18-O-18.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Michael Arcidiacono, 8953 Elm Street, addressed Council with regard to the sanitary sewer project coming to Maple and Elm Streets; he noted that a lot of residents are concerned about the cost. He stated that he did some research on the last project that was done on Route 306, and it appears that the property owners are paying \$650 per half year. Mr. Arcidiacono stated that this project will cost the property owners \$200 or more per month. Mr. Arcidiacono also requested that patching be done on Maple and Joseph before the parade steps off on Memorial Day, since there will be many kids marching in the parade.

John Florentine, 7360 Ledgewood Drive, addressed Council with regard to drainage issues on his property, inquiring who is responsible because of water coming down the stream and overflowing, destroying all of his landscaping. Mr. Florentine stated that he is no longer able to clean out the stream. Mr. Florentine noted that there are two rebar screens that are loaded with leaves. Mr. Florentine stated that the stream was not meant to carry all that water.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Mayor Davidson advised that Rockwood Road drainage improvements are on the long-term capital project list, with an estimated cost of \$240,000; the Mayor noted that he cannot promise when that work would be done. The Mayor stated that in the short-term, he will see if the City can help by cleaning the screens. Councilman Smolic stated that the project is unfunded at this point; he stated that he believes it is the resident's responsibility to keep the sewer grates clean, noting that Mr. Florentine can call him if he needs assistance.

Patricia Zaller, 9690 Glenstone Drive, stated that she brought up the drainage issue on Glenstone. Mrs. Zaller inquired if the Engineer is aware of what was dumped into the creek; she noted that broken-up sidewalks or streets and garbage was dumped in there, and it is already washing away and still eroding. She stated that the hydroseeding that was done has washed away. Mrs. Zaller stated her frustration because the ground control myrtle and trees were taken out and left in the creek. Mrs. Zaller had pictures on her phone, which she showed to Council. She stated that messages she left with the Service Department and her Councilman were not returned; she noted that she received a return call from the Mayor and from the Councilman-at-Large. Council President Potter stated that he will request that the Mayor follow up on this with the Service Administrator. Mrs. Zaller stated that this should have been inspected by the Engineer before anything was done.

With regard to the sewer project, Mrs. Zaller stated that the \$27,000 or \$31,000 figure over 20 years does not include the tie-in, which must be paid beforehand.

Mayor Davidson stated that he will request a response from Mr. Catania and Mr. Kiefer regarding the objective of the work and how it was implemented; he apologized that she did not receive a return phone call in a more timely fashion. The Mayor stated that he looked at this in person, and he requested that she send the pictures to Ms. Petersburg, noting that he will discuss this with the staff and get back to her.

Mrs. Zaller stated that she is appreciative and very satisfied with the patching that was done, but if there is still undermining, it was all for naught.

Council President Potter thanked her for coming to the meeting, noting that the City is fraught with stormwater and drainage issues.

Ted Hlavaty, 8814 Fox Hill Drive, stated that he is happy to hear that the City Engineer said the sinkhole is the City's responsibility. Mr. Hlavaty stated that he is frustrated because nobody ever got back to him; he noted that Mr. Catania and the City Engineer came out and looked at it but he did not hear back. He noted that he also sent pictures to the Mayor's assistant.

Mayor Davidson stated that the Service Department went to the location, and he apologized that they did not call him back in a timely fashion to indicate that they had been out. Mr. Hlavaty stated that he dealt with this in 2016, 2017 and now in 2018, but he never received a definitive answer.

Mr. Hlavaty stated that every time it rains, the sinkhole gets bigger. Mayor Davidson stated that one of the reasons the City participates with the Chagrin River Watershed Partners is to open up funding for such issues.

Mr. Hlavaty inquired if there is an agency that is responsible for the watershed of the Chagrin River. Mr. Kiefer stated that Chagrin River Watershed Partners is not an agency; it is a collaboration of all the communities working together through the Partners, allowing them to receive grant money from time to time. Mr. Kiefer noted that Chagrin River Watershed Partners cannot fund anything themselves.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Councilman Lesnick stated that he would like to discuss a tracking system of drainage issues for the residents. Mayor Davidson stated that Councilman Skrbis proposed an e-mail tracking system, which is being investigated by Ms. Petersburg. Noting that there is a monthly cost and installation cost, the Mayor stated that he will share the details with Council once they are available. Noting that implementing such technology would be determined by cost, Mayor Davidson stated that there is draft legislation regarding increasing fees, and the amount generated by linking the fees to the CPI could cover the cost of such a system. The Mayor noted that fees should be raised to reflect the City's costs. Council President Potter inquired if an estimate would be available by the June 4 meeting regarding the cost to upgrade the website. Mayor Davidson stated that Mr. Skrbis did some work on this, noting that he will share that information with Council once Ms. Petersburg provides him with the information she is putting together.

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 thanked Mr. Lowery for the update.

ORDINANCE NO. 18-O-17 - (Tabled) - AN ORDINANCE AMENDING SECTION 236.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO EXPENDITURES AND COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.
(Council President Potter)

The legislation remains tabled. Council President Potter noted that this Ordinance will be discussed at the June 4 Service Department Standing Committee meeting.

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. Council President Potter noted that this Ordinance will also be discussed at the June 4 Service Department Standing Committee meeting.

RESOLUTION NO. 18-R-21 - (Third Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LAKE COUNTY OHIO PORT AND ECONOMIC DEVELOPMENT AUTHORITY AND THE CITY OF WICKLIFFE, OHIO AND THE CITY OF WILLOWICK, OHIO, REGARDING LAKE COUNTY OHIO PORT AND ECONOMIC DEVELOPMENT AUTHORITY HIRING AND EMPLOYING A SHARED ECONOMIC DEVELOPMENT MANAGER, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

OLD BUSINESS – RESOLUTION NO. 18-R-21 (continued):

Read by title only. Mayor Davidson stated that Port Director Rantala’s attorney sent an updated document today that further protects the City from liability from the other communities, noting that in the original contract it was not clear that the City was not also liable if something happened with the Economic Development Manager in another city. The Mayor stated that he is satisfied with the updated agreement, and it has been reviewed by Law Director Richards. Mayor Davidson stated that they are in the second round of interviews and completed a telephone interview with a highly qualified candidate; he noted that the Mayors and Mr. Rantala will be meeting with a second candidate this week.

Noting that he received a copy of the document today, Council President Potter read the additional language to the article in the contract relating to termination or suspension, and he read the additional paragraph being added to the article relating to dispute resolution. Mr. Richards stated that the added language provides that the City will not be responsible for anything that was not done by Kirtland.

Councilman Lowery and Councilman Lesnick commented that they would have liked to have seen the document or potential changes before tonight’s meeting. Mayor Davidson stated that the timing was such that he did not receive the document from Mr. Rantala’s attorney until today. Council President Potter stated that the additional language provides the City with added coverage, noting that the Mayor stated in a previous meeting that he was seeking some additional coverage. There was discussion about bringing this to a vote, and Mr. Lowery stated that this is not the first time there have been changes to legislation at third reading, and he is voting the way he is voting because he does not have the information he needs to make the right decision.

Mr. Skrbis moved to amend Resolution No. 18-R-21 as read by Mr. Potter and prepared by the Law Director and the Mayor. Mr. Kirek provided the second. **ROLL CALL: MOTION CARRIED 4/3 (VOTING YEA: SKRBIS, KIREK, POTTER AND SCHULZ. VOTING NAY: SMOLIC, LESNICK AND LOWERY).** As a result of the amendment, the legislation reverts to Second Reading.

Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION FAILS 3/4 (VOTING NAY: SMOLIC, LESNICK AND LOWERY. VOTING YEA: SKRBIS, KIREK, POTTER AND SCHULZ).** It was noted that five affirmative votes are needed to waive the readings. The legislation remains on Second Reading.

RESOLUTION NO. 18-R-23 - **(Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW 2018 FORD F550 4X4 TRUCK FOR USE BY THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Mayor Davidson noted that Mr. Catania will provide some photographs of the vehicle being replaced; he also noted that Council members can stop at the Service Department and check in at the office if they want to see the vehicle being replaced. The legislation was placed on Second Reading.

ORDINANCE NO. 18-O-24 - **(Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,305,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE CITY, THE CITY’S OUTSTANDING VARIOUS PURPOSE NOTES, SERIES 2017, DATED JUNE 21, 2017, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

OLD BUSINESS – ORDINANCE NO. 18-O-24 (continued):

Read by title only. Referring to Ordinance No. 18-O-24 through No. 18-O-29, Finance Director Martinet advised that the legislation can receive three readings. He noted that if these Ordinances are all passed tonight it gives the broker additional time to communicate with potential buyers, although they cannot be priced until June 21. Noting that the reason for proceeding to Second Reading was to follow protocol, Councilman Skrbis inquired if Council would now like to consider waiving the third reading to give the bond underwriter more time to pursue purchasers and bidders. Following discussion, the legislation was placed on Second Reading.

**ORDINANCE NO. 18-O-25
(Mayor Davidson)**

- **(Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$150,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING EQUIPMENT AND RELATED SOFTWARE FOR THE CITY'S POLICE AND FIRE DEPARTMENT 9-1-1 EMERGENCY COMMUNICATIONS SYSTEM, AND DECLARING AN EMERGENCY.**

Read by title only. Responding to Councilman Smolic, Council President Potter stated that to his knowledge there are no new bids from any outside contractors or from the County for comparing the cost between dispatch internally and externally; he noted that the Task Force recommended looking into this. Mr. Smolic moved to table the legislation, with the second by Mr. Lesnick.

Responding to an inquiry from Council, Mr. Martinet confirmed that if one of the bond ordinances is not approved, the total bond amount will be adjusted. Mr. Potter inquired how this would affect the City's ability to borrow the money, if this is tabled past June 21 and an emergency expenditure must be made. Mr. Martinet advised that the issuance costs would have to be paid again. Mr. Martinet stated that bond anticipation notes are done once each year, noting that the only exception was for the purchase of the fire truck.

Responding to Councilman Lesnick, Mr. Martinet confirmed that there would be legislation before Council to approve spending the funds for the equipment. Noting that he would like to have the funds available, but still have additional discussion regarding this system and alternatives, Mr. Lesnick rescinded his second of the motion, and Mr. Smolic rescinded his motion to table.

Responding to Council President Potter, Councilman Schulz stated that he will review his notes and discuss this with the Mayor; then he will contact the Committee members to set up a date for a Police and Fire Standing Committee meeting.

The legislation was placed on Second Reading.

**ORDINANCE NO. 18-O-26
(Mayor Davidson)**

- **(Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$150,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING MOTOR VEHICLES, INCLUDING RELATED EQUIPMENT AND APPARATUS, FOR USE BY THE CITY'S SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Read by title only and placed on Second Reading.

OLD BUSINESS (continued):

- ORDINANCE NO. 18-O-27** - (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING WISNER ROAD BY GRADING, DRAINING, CURBING AND PAVING, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

Read by title only and placed on Second Reading.

- ORDINANCE NO. 18-O-28** - (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING CHILLICOTHE ROAD (SR 306) BY CONSTRUCTING A CROSSWALK ADJACENT TO THE KIRTLAND LOCAL SCHOOL DISTRICT CAMPUS, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

Read by title only. Referring to the legislation adopted at the last meeting relating to the crosswalk, Council President Potter stated that although he is in favor of a crosswalk, due to the additional \$40,000 in cost, he later believed it should have been tabled in order to obtain other bids. Mr. Lowery inquired where the additional \$40,000 will come from.

Mayor Davidson stated that there was an estimate of \$214,000 for the crosswalk at the time the budget was passed. The Mayor stated that the bid process was handled by a professional contract management firm after the budget was passed, noting that they had two full sheets of pre-qualified contractors; five of those contractors came to the site, and two qualified bids were received. Mayor Davidson noted that the bid that met the qualifications put forth in the scope of work was put before Council. The Mayor stated that it will be funded by delaying purchases of Service Department vehicles, noting that priority is being given to the crosswalk because of the safety of the children.

There was discussion regarding the possibility of reconsidering the legislation for the crosswalk.

Mr. Lesnick inquired if Ordinance No. 18-O-28 needs to be amended to reflect the total cost of the crosswalk. Mr. Martinet advised that the City is borrowing \$100,000; the additional costs will come out of the General Fund.

The legislation was placed on Second Reading.

- ORDINANCE NO. 18-O-29** - (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING CHILLICOTHE ROAD (SR 306) BY RESURFACING, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

Read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 18-R-30
(Mayor Davidson)

- **A RESOLUTION APPROVING THE SOLID WASTE MANAGEMENT PLAN UPDATE (APRIL 2018) OF THE LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT.**

Read by title only. It was noted that the Clerk of Council has a copy of the 2018 Solid Waste Management Plan document in her office in the event Council members would like to review it, and the link to access the Plan on the Lake County website was forwarded to Council members. The legislation was placed on First Reading.

ORDINANCE NO. 18-O-31
(Council President Potter)

- **AN ORDINANCE ADOPTING CHAPTER 1468 OF THE CODIFIED ORDINANCE OF THE CITY OF KIRTLAND RELATING TO ALTERNATIVE ENERGY.**

Read by title only. Council members noted that they have not had an opportunity to read through the Chapter. Mr. Smolic moved to table the legislation; there was no second to the motion, and the legislation was placed on First Reading.

* * * * *

CONTINUING CONCERNS:

Council President Potter inquired about the source of funding for the additional \$40,000 cost for the crosswalk. Mr. Martinet confirmed that it will come from the General Fund. He noted that if revenues come in higher than anticipated, no cuts will be made; the second option is to make cuts, and the third option is a lesser carry-over.

COUNCIL COMMENTS:

Councilman Lesnick read the following statement and provided it to the Clerk of Council for inclusion in the meeting minutes:

Corrections for the Record – Mayor Davidson

Monday, May 21, 2018

This public statement is being made to correct the record regarding careless and false accusations made about Councilman Lesnick and his son.

On May 8th Mayor Davidson wrote an email to Law Director Richardson titled “Concerns for the record. Councilman Lesnick.”

In the email, Mayor Davidson stated he had conversations with Lake County Commissioner Jerry Cirino and Executive Director, Lake County Ohio Port and Economic Development Authority Mark Rantala regarding the hiring of a Shared Economic Development Manager for the City of Kirtland, Wickliffe, and Willowick.

Mayor Davidson further stated the following:

COUNCIL COMMENTS (continued):

"Commissioner Cirino told me that Councilman Lesnick contacted him to propose the hiring of his son for the position.

This was consistent with a comment made by Port Director Mark Rantala in a work session of council in which he acknowledged that Councilman Lesnick's son had applied.

I believe it to be a violation of Article 1 Section 2. "... A member of Council shall not hold any other elected public office, and shall not have financial interest in any contract with the city,..."

I believe the remedy is for Councilman Lesnick to attend the Ethics Law Training for his own benefit and to avoid circumstances which would put him or the city in negative light."

With that said, the following corrections must be made to the record:

- *Councilman Lesnick did not contact Lake County Commissioner Cirino to propose hiring his son for the position of a Shared Economic Development Manager for the City of Kirtland, Wickliffe, and Willowick.*
- *Executive Director Rantala made no statement regarding Councilman Lesnick's son applying for the position of a Shared Economic Development Manager for the City of Kirtland, Wickliffe, and Willowick in the council work session he attended.*
- *Councilman Lesnick's son has not applied for the position of a Shared Economic Development Manager for the City of Kirtland, Wickliffe, and Willowick.*
- *There has been no violation of the Charter of the City of Kirtland, Ohio Article 1 Section 2 which states in part, "A member of Council shall not hold any other elected public office, and shall not have financial interest in any contract with the City, and no such member shall hold administrative public employment in the City, nor hold employment with the City of Kirtland during his/her term."*

In addition, for the record:

- *Mayor Davidson did not verify the facts before taking action.*
- *Mayor Davidson did not address his concerns directly to Councilman Lesnick.*
- *Mayor Davidson claimed statements were made during a council work session in which the record clearly demonstrates they were not.*
- *Mayor Davidson, using unverified information and fabricated statements as fact, independently assigned a remedy to a non-existent issue.*
- *Mayor Davidson used his private employment email server to send and receive official city business regarding the fabricated ethical issue for the purpose of having it on the record.*

Some things to consider:

- *Residents should be confident that their elected officials deliberate thoroughly and impartially and only take action after they have verified the facts and debated the consequences to the best of their ability.*
- *Not verifying facts prior to taking action is of grave concern and justifies caution when considering the results of future decision-making by the Mayor.*
- *Not addressing concerns directly to Councilman Lesnick questions the motivation for the Mayor taking these actions.*

COUNCIL COMMENTS (continued):

- *Due to the fact that the Mayor chose to make this false declaration about Councilman Lesnick and his son, Council must cautiously trust and thoroughly verify any and all future statements, proposals, or requests from the Mayor.*
- *Claiming statements were made when in fact they were not dictates that council continue to cautiously trust but thoroughly verify statements by the Mayor.*
- *The reputational harm to the Councilman, his son, and/or the city caused by the Mayor making these careless accusations is immeasurable.*
- *Using private business email servers for official public correspondence is a reckless practice.*

Request to make things right:

- *As a sign of sincerity and show of good faith, the Mayor now needs to:*
 - *Publicly apologize to Councilman Lesnick and his son for creating these false and disparaging accusations about them.*
 - *Write a formal retraction for the record clearing the good name of both Councilman Lesnick and his son.*
 - *Provide verification that all email regarding this matter that was sent and/or received through the Mayor's private business email server has been forwarded to the City's email server and removed from the Mayor's private business email server.*
 - *Only correspond through the City email server for all future City business.*

Council President Potter stated that he was disappointed in the ethics charge against Mr. Lesnick, which was unwarranted, unnecessary and reckless. Mr. Potter suggested that a phone call to Mr. Lesnick or a meeting to set the record straight and verify information should have occurred.

Mayor Davidson noted that a case was recently in the news regarding a Cleveland City Councilman who was interested in a contract that involved his spouse, and he later voted on that contract. The Mayor noted that it is a serious matter and there are times when abstentions are necessary. Mayor Davidson stated that he had a similar concern, which he shared with the Law Director and the President of Council, in order to protect the City. Mayor Davidson stated that he feels it is unfortunate that there is a lack of trust, respect and communication, noting that he will respond in writing to the statement made by Mr. Lesnick.

With regard to use of his work e-mail, Mayor Davidson stated that he is fully engaged in the business of the City every day and being on one server allows him to respond rapidly to the Department Heads, his assistant and to Council; he noted that his executive assistant is copied on the e-mails he generates for City purposes.

Council President Potter requested that from now on all e-mails be sent to his City e-mail address, and he will respond from the City e-mail account, noting that he believes it is important to keep his City e-mail separate.

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 9:14 p.m.

President of Council

Clerk of Council