

KIRTLAND CITY COUNCIL MINUTES

April 1, 2019

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

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Assistant Finance Director Louis Slapnick, City Engineer Philip Kiefer, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

MINUTES OF THE MARCH 18, 2019 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 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).**

MINUTES OF THE MARCH 18, 2019 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 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the monthly report has been distributed. There were no questions for Chief Hutton.

Police Chief Lance Nosse advised the monthly report for his department will be distributed before the next meeting.

Councilman Skrbis stated he has been informed there is a business being run out of a home on Locust Drive. Chief Nosse responded there have been several complaints concerning that area, and requested Councilman Skrbis meet with him after the Council meeting and provide more information. Responding to Councilman Skrbis' inquiry, Chief Nosse stated there were 15 complaints, all anonymous.

Responding to Councilman Schulz's questions on the investigation of the fire across the street, Chief Hutton stated it was determined to be accidental, and looks as if it started on the porch of the home where appliances had been stored. Chief Hutton stated once a fire is determined accidental, with no arson or criminal activity involved, the investigation is turned over to the insurance company. From that point, the insurance company performs their own investigation. No report has yet been received from the insurance company showing their findings. Chief Hutton stated the home was a total loss.

Responding to Councilman Smolic's inquiry concerning the fire, Chief Hutton stated the back portion of the home had a lot of smoke damage. Chief Hutton stated his department did not receive a 911 call on the fire. A citizen walked in and reported seeing smoke in the area but wasn't aware of where it was coming from.

DEPARTMENT REPORTS (continued):

Chief Hutton stated when he arrived on the scene the front of the house was fully involved, and the fire had started wrapping around the sides. His department performed what is called a blitz attack, but there were some water issues with the fire hydrant closest to the home. Upon follow-up with Aqua Ohio, it was determined there was a problem with that main. Therefore the initial water supply lost pressure, and the department had to use the hydrant across the street. Chief Hutton reported no citizens were harmed, but the department was made aware of a dog in the home. One of the many departments that responded to help was Eastlake, and they made entry in the rear of the house, located the dog, and did CPR. Chief Hutton stated his department has dog oxygen masks, and they were able to treat the dog and get a heartbeat, and then transported the dog to the vet in Kirtland. Unfortunately, the dog passed away due to injuries sustained. Concerning the investigation done by his department, Chief Hutton stated they believe the refrigerator on the patio was most likely the cause. However, the insurance company will perform their own investigation.

Chief Hutton stated the hydrant water pressure issue was not associated with the water main break in the same area three weeks ago.

Councilman Schulz expressed concern about a possible water main break, stating that he noticed water coming south of Eagle on the east side of Route 306, possibly five or six parcels down. Chief Nosse responded he would send someone out to verify the origination of the water.

Responding to Councilman Skrbis' question concerning exterior maintenance code violations at the old mink farm, Chief Nosse stated he'd made several attempts to contact the residents of the home to no avail. Chief Nosse believes the resident is a renter, noting that once he knows more he will know how better to handle the situation.

City Engineer Philip Kiefer advised his monthly report has been distributed. He advised that the drainage projects will be going out to bid on Friday, April 5, 2019. The bid package will consist of six individual bids, to give contractors the opportunity to bid individually.

Councilman Smolic questioned if putting the bid out with the option to bid separately would increase cost, or if bidding on the combined projects could lower cost. Mr. Kiefer responded the contractors are able to submit bids for multiple projects, however they are bidding them individually and they are being considered individually.

Answering Mr. Smolic, Mr. Kiefer stated the Regency Woods slope failure was new to the report. Mr. Kiefer stated a surveyor, who was surveying the back line of a 42-acre parcel on Chillicothe Road, noticed the failure and reported it.

When asked what the issue was on Gildersleeve Drive concerning the storm culvert repair, Mr. Kiefer responded that he is requesting bids to extend the culvert on each side to make the road safer going down the hill.

Assistant Finance Director Louis Slapnicker advised he had no formal report. Advising the Council on the past two weeks' progress in his department, Mr. Slapnicker reported they are currently finalizing a wage and benefit analysis, by department, city-wide. They have also been reviewing end of month data for March and looking at upcoming deadlines.

Mr. Slapnicker advised he has two upcoming meetings - the first with the TPA regarding the City's Worker's Comp experience rating, and the second with Fifth Third Bank regarding the City's debt.

DEPARTMENT REPORTS (continued):

Councilman Lowery requested Mr. Slapnicker expound on the wage and benefit analysis, to which Mr. Slapnicker responded his department is compiling data for all wages and benefits, organized by department, and then by single line items.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated most of his concerns were addressed during the Work Session. He noted that WINT is now transmitting from Kirtland on 101.2.

Mayor Davidson reported he'd been corresponding with an applicant for the Service Administrator position and had submitted an offer. Once he receives a response, the Mayor stated he would share it with Council leadership.

Responding to Councilman Smolic's question concerning the City being mentioned on WINT, Mayor Davidson stated he's had some discussion with Ray Somich in this regard; he noted that the City will be mentioned in broadcasting.

Councilman Schulz thanked Mayor Davidson for the proclamation recognizing Dave Briggs' Eagle Scout rank, and for his kind words and sharing it with the City. Mayor Davidson expressed his appreciation at being asked to participate and his regret at not being able to be present for the ceremony. He also praised the program and their community service.

STANDING COMMITTEE REPORTS:

Councilman Skrbis stated the Public Relations Standing Committee performed interviews and fact-finding with three organizations concerning the city's website. The three organizations will be evaluated again by the Committee. Councilman Skrbis hopes the Committee will be able to present their selection and make a recommendation to the Mayor and Council at the next Council meeting. He noted that it will likely be a challenge to provide the necessary funding.

Councilman Lowery stated that the Planning and Zoning Standing Committee scheduled a meeting following the April 15 Council meeting to discuss tabled Resolution No. 18-O-31 relating to alternative energy.

Council President Potter stated there was discussion at the Work Session regarding the off-street parking ordinance and some difficulties and challenges that it has caused. Mr. Potter advised that Chief Nosse's department has received a large number of calls, with residents using the 72-hour marker that was deliberated on before being included in the ordinance. Mr. Potter stated Chief Nosse would like the Planning and Zoning Standing Committee Chair to consider bringing the ordinance back to the forefront for further discussion.

Councilman Lowery requested examples of the issues that have come up with the ordinance, to which Chief Nosse responded the majority of complaints are retaliatory complaints. Another issue is the loophole about moving vehicles every three days. Chief Nosse stated he's had citizens tell him they are purposely moving their vehicle a foot each day, and then at the end of the week moving the vehicle back to its original space. They realize by doing this they are technically in compliance with the ordinance, and are

STANDING COMMITTEE REPORTS (continued):

quick to point out nothing can be done about their behavior. Chief Nosse went on to say his biggest concern is the retaliatory complaints that are received. There have been 15 complaints on Locust, and they are all retaliatory complaints. However, this has happened city-wide. Chief Nosse also mentioned it is a burden on resources to go back to residences and mark off tires to see if a vehicle has been moved every three days. However, if the vehicle has been moved there is no violation. Chief Nosse requested that Council come up with a better solution, as this ordinance is not working well as written.

Councilman Lowery agreed to put the item on the Standing Committee's agenda for further discussion. Discussion ensued on the subject, and examples were given.

Council President Potter stated that a date will be determined for the Economic Development Standing Committee to meet with Monica Drake to review the information received from the strategic planning meeting.

CORRESPONDENCE:

Council President Potter reported on the following:

The Clerk of Council provided a reminder to file with the Ohio Ethics Commission. Council President Potter reminded all to make sure their financial disclosure statements are submitted before the May 15 deadline, and he advised there is a nominal fee.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Lucio Velotta, 8292 N. Locust Drive, stated he has a house at the corner of North and South Locust Drive, and his home receives the majority of the runoff water caused by flooding. Mr. Velotta stated the issue is approximately 40 years old, and he is willing to work with the City to get it resolved. Mr. Velotta advised that he has more property west of his home, and there is a new ditch being created. Mr. Velotta doesn't feel he should have to be financially responsible for this issue, and stated he's reached out to many people without a good, definite answer on a solution. With regard to the ditch on the other side of his home, which he is required to keep clean to make sure Locust Drive flows properly, he stated he doesn't feel this should be his responsibility.

Mr. Kiefer stated he is aware of the problem; he has looked at the cost to install a detention basin to the south of South Locust, to gather and slow all water coming into the subdivision to eliminate the flooding issues. Mr. Kiefer stated he did not have the cost readily available, but it will be expensive. Mayor Davidson committed to meeting with Mr. Velotta and Mr. Kiefer to discuss alternatives to the detention basin. Mayor Davidson stated one of the issues involves what the City can do on private property.

Mr. Velotta provided his contact information, stating he is open to all suggestions. Mr. Velotta stated that as the flooding continues, there will be more erosion, affecting the leech fields; multiple problems can occur. Mr. Velotta stated he is willing to plant some trees. He stated he's been in the construction business for 35 years and is knowledgeable about these situations. Mr. Velotta stated he is willing to work with the City, but the problem has to be handled.

Mayor Davidson stated he would call Mr. Velotta and set a date for a meeting in the next two to three weeks. Mr. Kiefer will be invited, perhaps also the new Service Administrator.

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. 19-R-6** - (Third Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE MAY 15, 2019 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.
(Mayor Davidson)

The legislation was read by title only. Mr. Skrbis moved to adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).**

- RESOLUTION NO. 19-R-9** - (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; CAPITAL PROJECT FUND #300; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE MAY 31, 2019 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.
(Mayor Davidson)

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

NEW BUSINESS:

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

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

- RESOLUTION NO. 19-R-11** - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.
(Mayor Davidson)

The legislation was read by title only. Mayor Davidson stated the Resolution refers to the state bid that the City participates in each year. There is a short lead time, only two readings available. Mayor Davidson requested that Council waive the three readings and dispense with the resolution.

NEW BUSINESS - RESOLUTION NO. 19-R-11 (continued):

Council President Potter inquired if state contract was the best way to purchase the salt. Councilman Schulz responded state contracts are aggregated on the communities' needs, and the City is able to benefit from the pricing offered. It was noted that the cost of the salt will not be available until the State completes the bidding process. Discussion ensued concerning usage and pricing.

Councilman Lowery inquired about the amount of money provided in the budget allocation to pay for the salt. Councilman Smolic inquired about last year's usage.

Mayor Davidson stated if greater detail is needed, information can be provided concerning historical usage, along with requesting Mr. Slapnickner to check the budget allocation for the purchase.

Council President Potter inquired what would happen if the City does not take the required minimum of 90 percent if it would exceed the amount allocated in the budget. Mayor Davidson committed to Council to provide a copy of the state's salt participation agreement for their review, showing the penalty for falling below the required 90 percent. Mayor Davidson also committed to have Mr. Slapnickner verify the funds are available in the budget, and report back to Council regarding the funds available and the account where the funds are kept. Mayor Davidson then stated he would have Mr. Erxleben from the Service Department provide a five-year history of salt usage for Council to review before voting.

Mr. Lowery moved to waive the three readings, with the second by Mr. Smolic. In discussion, Councilman Skrbis stated that the antiquated Finance software makes it difficult to pull the number requested by Mr. Lowery, but that will be resolved. Mr. Skrbis noted that the City does need to buy salt, but the Finance reporting needs to be improved. Councilman Schulz stated that the former Finance Director averaged the prices and looked at last year's purchase prices to determine the allocation. Councilman Lowery reminded Council there is a motion on the table, which has been seconded, and he requested a vote.

Mayor Davidson addressed Council President Potter, stating there is an offer on the table from the Administration to provide all the information that has been requested.

Councilman Lowery requested a vote, and voting began on the motion to waive the three readings. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: LOWERY, POTTER, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE. ABSTAINING: SCHULZ).** In casting his vote, Mr. Smolic stated that this is annual legislation that is always funded, but the budget allocation should be available; he stated that some historical data on usage should be provided. Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0/1 (VOTING YEA: LOWERY, POTTER, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE. ABSTAINING: SCHULZ).** It was noted that if the City wishes to rescind the participation agreement, a written e-mailed request must be submitted by April 19 at 12:00 p.m.

Council President Potter stated Mr. Lowery's questions were fair, and the Mayor's offer to provide the data requested is accepted and appreciated.

ORDINANCE NO. 19-O-12
(Council President Potter &
Councilman Lowery)

- **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 236.07(d) RELATING TO THE FEES, PROFESSIONAL CONSULTING AND RELATED EXPENSES FOR THE PROCESSING OF APPLICATIONS FOR A VARIETY OF PURPOSES AND REASONS.**

The legislation was read by title only and placed on First Reading. Councilman Lowery stated that this ordinance has not been updated for several years; he thanked the Standing Committee and the Law Director for their work on this Ordinance, and for their due diligence.

NEW BUSINESS - ORDINANCE NO. 19-O-12 (continued):

Councilman Lowery pointed out that Section I of the legislation states that the fees will be subject to review every three years, with the intent to keep the fees current. Mr. Lowery stated that a couple sections were added to the fees regarding wireless communications and small cell facilities. Mr. Lowery stated some fees stayed the same, some doubled in cost.

Councilman Schulz asked if any thought was given to indexing the fees to the CPI instead of revisiting them every three years, to which Councilman Lowery responded no. Councilman Schulz then referenced the last page, under notes, where it states that any unused review deposits will be returned to the applicant; if the deposited review funds are insufficient to cover the City's expenses, review will be suspended until additional review monies are deposited with the City. Mr. Schulz asked if there is a time frame in which the City needs to return the money. Mr. Lowery stated that no changes have been made to that language. Mr. Schulz stated that he believes there should be a timeframe for the return of the deposit funds.

Mayor Davidson suggested that Council look through the fees, noting the he concurred with Councilman Lowery that the fees needed to be reviewed. Mayor Davidson also stated the City needs to be able to cover the labor cost to the City for processing these items, noting that he is pleased with the work done on the Ordinance. Discussion ensued concerning information on the fees.

Law Director Richards stated that nothing has been changed in the past 20 years on several of the line items being discussed. He noted that the obvious increases in municipal government are not much different than private industry; overhead cost has increased markedly in the last 20 years, and the raise in fees is appropriate.

Council President Potter stated that anyone who wishes to see the document showing more information on the changes in the fee structure, please contact Mr. Lowery.

RESOLUTION NO. 19-R-13
(Mayor Davidson)

- **A RESOLUTION IMPLEMENTING SECTION VIII OF ORDINANCES NUMBER 17-O-25 AND NUMBER 17-O-26 CONCERNING COMMUNITY REINVESTMENT AREAS AND SECTION 5709.85 OF THE OHIO REVISED CODE, AND APPOINTING TWO REPRESENTATIVES OF THE CITY OF KIRTLAND TO SAID TAX INCENTIVE REVIEW COUNCIL, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. There was brief discussion regarding the two individuals and their credentials. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).**

RESOLUTION NO. 19-R-14
(Mayor Davidson)

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR USE OF SHARED EASEMENT ON RUSSELLHURST DRIVE EXTENSION WITH THE EAST OHIO GAS COMPANY, DBA DOMINION ENERGY OHIO, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Lowery.

NEW BUSINESS - RESOLUTION NO. 19-R-14 (continued):

Councilman Lowery asked for more clarification on the Resolution, and how it benefits the City. Council President Potter advised that it allows the residents on Russellhurst Drive Extension to receive natural gas. Mr. Schulz noted that it also brings a gas main to the City’s recreation property with the potential for future connection. It was confirmed that there will be no cost to the City.

ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE). Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Potter stated that Superintendent of Schools Bill Wade has asked to address Council on April 15 concerning the renewal levy and will be put on the agenda.

PUBLIC COMMENTS:

Noting that Council had an inquiry earlier in the meeting, Chief Hutton advised that it has been checked out, and the water issue on Route 306 is runoff.

Chief Hutton stated that part-time Lieutenant Rob Gandee, who has been with the Kirtland Fire Department since he was an Explorer, will be named the Fire Chief in Willoughby Hills at their next Council meeting.

ADJOURNMENT:

Mr. Schulz moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 8:26 p.m.

President of Council

Clerk of Council