

KIRTLAND CITY COUNCIL MINUTES

May 8, 2019

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic. Absent: David Kirek.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Finance Director Mary Kovalchik, Assistant Finance Director Louis Slapnick, City Engineer Philip Kiefer, Service Administrator David DiCillo, Police Chief Lance Nosse, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake.

MINUTES OF THE APRIL 15, 2019 WORK SESSION:

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

MINUTES OF THE APRIL 15, 2019 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the monthly report has been distributed. Chief Hutton stated in the last month his department has lost five part-time firefighters to other jobs. One employee will be the new Chief in Willoughby Hills, two accepted full-time jobs in Wickliffe, one went to Euclid Fire Department, and another has decided to become a podiatrist. Two of those referenced will likely stay on with Kirtland part-time, but the others will not be staying. Chief Hutton went on to say the problem that his department, and many others, are facing is the low enrollment numbers in the fire school. Chief Hutton said he met with the chiefs of the surrounding area yesterday, and they are having the same problem. He said he's spoken with one of the News Herald reporters to print a story to try and spur interest in the field. Chief Hutton went on to say he and Chief Nosse had discussed doing career days with the schools, but in his experience trying to recruit at the schools has not been productive. The interest simply isn't there. Chief Hutton believes Kirtland may need to consider adding more full-time staff at the Fire Department. He went on to say with the summer months coming up, he's concerned about staffing numbers.

Chief Hutton reminded Council that Captain Grinstead will be retiring on July 7, and the promotional test has already been set for his replacement. The day for the test will be May 29, and the oral portion will be June 8. Once all testing is complete, Chief Hutton will begin the process of hiring a full-time firefighter to replace Captain Grinstead.

In answer to Councilman Lowery's question concerning the requirements to be a part-time firefighter, Chief Hutton stated all applicants must have the Firefighter 1 and 2, and at a minimum be an EMT. Paramedics without the Firefighter class will not be hired.

DEPARTMENT REPORTS (continued):

In response to Councilman Smolic's question concerning whether the requirements were hurting part-time new hires, Chief Hutton responded there seems to be a lack of interest from people wanting to get into fire service or police work. The Police Department is having similar problems. The paramedic program is difficult, but firefighting is still a good job.

Councilman Lesnick questioned the annual salary, to which Chief Hutton responded annual salary of a part-time firefighter depends on the hours worked. Some part-timers work dependable shifts, which are 24/48 hours, and earn approximately \$35,000.00 to \$40,000.00. Some part-timers pick up one shift a week, so the salary varies.

Councilman Lesnick agreed that part-time work is not a desirable position in the current economy. Chief Hutton stated that full-time firefighters all start part-time. The problem his department is running into is the lack of interest in joining the fire service. For example, Chief Hutton said when he took his test, there were 200 - 250 people taking the test; now there are 30. Chief Hutton noted that pay is always an issue, although Chesterland increased their pay, and it really didn't help. The chiefs in the surrounding areas, including Kirtland, are working together on solutions.

Council President Potter asked how many part-timers are currently employed by the Department, to which Chief Hutton responded he likes to carry 29, but there are 26 right now. Chief Hutton said three of the part-time staff are not paramedics.

Councilman Smolic asked if it would help if the City would offer further training. Chief Hutton stated the downside is they get training and then take a job in another city.

Police Chief Lance Nosse presented no formal report. Chief Nosse stated his department is busy and short-staffed at the present moment as well. One officer recently had to take leave for back surgery; it was not a job-related injury. Her recovery is going well, and the officer hopes to return to work in a month or so. However, it has affected the department.

Chief Nosse advised that Sergeant Fisher is at Executive Leadership Training at Ohio State, and it is going very well; his graduation is June 7.

Chief Nosse went on to say he recently was advised of another officer who may need surgery in the near future.

Chief Nosse closed by saying his department has been busy, short-staffed, and doing the best they can to address all calls. Concerning zoning, Chief Nosse advised he has taken care of a couple of issues. There were letters issued this week.

Council President Potter asked if the Police Academy has also seen drops in enrollment. Chief Nosse said that enrollment has been down at Lakeland, and some of those applicants are coming in with promises for full-time positions in other departments, which have larger budgets and better pay.

Councilman Lesnick asked both Chief Nosse and Chief Hutton to bring a proposal to an upcoming meeting, showing what it would take to move totally to full-time.

Councilman Skrbis asked Chief Hutton, concerning the firefighters he's recently lost, if he believes they would have stayed if they had been offered full-time, to which Chief Hutton responded yes.

Councilman Lesnick asked Ms. Kovalchik to research pay rates and benefits typical for the surrounding area, in fire and police departments, for comparison. Chief Hutton stated he could also gather the information.

DEPARTMENT REPORTS (continued):

Service Administrator David DiCillo did not present a formal report. Mr. DiCillo stated he is currently learning his new department, establishing a working schedule in the next two weeks, going over safety procedures, toolbox talks, and beginning a complaint log to help in responding to the residents. Mr. DiCillo said there have already been a dozen calls, most being drainage issues. Council members welcomed him.

City Engineer Philip Kiefer advised that his monthly report has been distributed. Mr. Kiefer said there have been no notices, calls or letters from the EPA pertaining to either the Kirtland Creamery or the Old Town sewers.

Council President Potter asked if Mr. Kiefer had followed up on a potential grant opportunity with the USDA, which had announced investments in water, wastewater infrastructure in 23 states, to benefit 171,000 rural residents. Mr. Kiefer responded he has looked at the grants in the past, and the interest rates on their loans are higher than other sources available to the City. However, Mr. Kiefer stated he would look into it again and discuss it with the grant personnel at his office.

Councilman Skrbis referred to e-mail correspondence relating to Mr. Washburn. Mayor Davidson stated that it concerned a question regarding filling and whether it was over 25 cubic yards. The Mayor stated that Mr. DiCillo started a spreadsheet with line item numbers for specific instances and the status; he noted that Mr. DiCillo will contact the resident.

Councilman Smolic voiced concerns over not seeing Rockwood Drive listed with the other four roads on the City Project sheet, concerning various projects that were bid. Mr. Kiefer said the particular email being referenced did not include Rockwood Drive because it is a different bidder; he noted that it is included on the bid opening sheet.

Addressing Mr. DiCillo, Councilman Lowery stated that the drive from the school to the back field is getting rough, and he asked that it be look into, as it sends a challenging message to other communities as they make that drive trying to avoid potholes.

Councilman Lesnick inquired about the Old Town sewage on the City Engineer's report, which says the review of a permit was submitted to Council; Mr. Lesnick stated he does not remember seeing the submission. Mr. Kiefer responded that he submitted the general Ohio permit for off-lot discharging systems, with areas marked in yellow that were a concern, and his responses were noted in gray. Mr. Kiefer said he would resend it.

Finance Director Mary Kovalchik reported her department has received a revised quote and is ready to issue purchase orders once the month of April is closed, for implementing the new system as well as upgrading all hardware. Mrs. Kovalchik said she's already reached out to the Auditor of the State's GAP reporters that perform financial reviews, and asked various questions. Without the conversion, it could get complicated for them to prepare next years' financials because mid-year Kirtland will be changing the reporting system. Mrs. Kovalchik plans to tag the Chart of Accounts to the old Chart of Accounts. This way the GAP converter will be able to tie the numbers together to prepare the financial reports, which will be a good resolution if it can be made to work as expected. Mrs. Kovalchik stated she would continue reporting as her department continues through that process, thanking Council for the funding. Councilman Lesnick asked if the quotes received were within the budget, to which Mrs. Kovalchik responded affirmatively.

Mrs. Kovalchik stated that the vendor offered to push the service maintenance agreement into 2020, should it be deemed necessary, in the event there are any surprises on the hardware side. She noted that the software cost will not change. Mrs. Kovalchik said she hopes to stay on schedule, with everything on task, and hopefully come in a little under budget.

DEPARTMENT REPORTS (continued):

Responding to Councilman Lesnick, Mrs. Kovalchik said they will be slicing off the virtual server at City Hall, however, the City will not be hosting the backup; it is performed by the IP. She stated that Kirtland uses cloud-based programming and back-ups.

Councilman Lesnick asked if it is typical that cities have their own hardware for the Cloud backup elsewhere. Mrs. Kovalchik responded she has backups currently in two locations, across the nation, as well as an on-site backup. She continued to state with all the ransomware and crypto issues going on right now, in an emergency the virtual server can be spun off onto an existing backup, if one is on-site.

Mrs. Kovalchik stated she has not visited the departments, however she did ask Cornerstone to confirm that whatever is available in the departments meets the minimum standards required for them to submit their requisitions electronically; Cornerstone confirmed the technology is up to date.

In discussion of the servers, it was noted that all departments, except for the Police Department, are using Office 365. Police Chief Nosse noted that the Police Department does not use Cornerstone for their server; their hard drive is backed up off-site. Chief Hutton added that City Hall, the Service Department, and the Fire Department are all in sync. Mrs. Kovalchik agreed, stating the Police Department has to maintain independence due to LEEDS. Mr. Lesnick noted that the hardware cost should not be that great because of the virtual computing.

Mrs. Kovalchik stated that fund balance reporting has been submitted to all Council members, and some responses have been received. She stated that historical data was combined, and it was released late today. Mrs. Kovalchik believes there is some encouraging information in the report, as well as eye-opening.

Noting that this evening's agenda includes Ordinance No. 19-O-19, for \$3,015,000.00 for the issuance of notes, Mrs. Kovalchik advised that the signed Fiscal Officer's Certificate was presented to the Clerk of Council prior to the meeting. Mrs. Kovalchik discussed the program that allows the City to piggyback off the state's rating. She stated that since Kirtland does not currently have a rating, it would further enhance the City's appearance to investors. The City should potentially be approved to be rated as AA2, which will benefit the City on the interest side of investments as well as allowing for more activity in the market. When the City looks more favorable, notes are purchased faster and at lower rates, which is the goal. Mrs. Kovalchik said she would advise Council when she is notified whether or not the City has been accepted.

Regarding the information requested by Councilman Lesnick, Mrs. Kovalchik inquired about the negotiations on pay scale and benefits. Chief Nosse confirmed the contract was a three-year contract and it was quickly resolved. Councilman Lesnick stated that the rates must be good, if Chief Hutton would have been able to retain the part-timers if he offered them full-time. Mrs. Kovalchik said she would bring some comparatives to the next meeting.

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

Economic Development Manager Monica Drake had no formal report. Ms. Drake advised Council the meeting for the Strategic Plan went well, and people accepted assignments. She also stated she met with Commissioner Cirino to get updates and to discuss various projects that are underway, including discussion of sewers. Ms. Drake said she's been in communication with a couple potential developments and will continue to work on those to continue improvement moving forward.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson thanked Mr. Kiefer for his work on the drainage bids, and he thanked Mr. Richards for reviewing the language to make sure it was correct. The drainage projects make a huge difference for residents. Noting that funding is through Lake County Stormwater Management, the Mayor stated that the taxpayer money going to the County will come back to the City, which shows a working relationship has been established.

Mayor Davidson advised that the Memorial Day parade and ceremony will be on May 27 at 10:00 a.m. The speaker this year will be Sergeant Mike Valenti.

Councilman Skrbis mentioned the water issue on North Locust, asking if it was on the engineer's list or being treated as a civil issue. Mr. Skrbis stated that he met with the resident and needs to respond to him. Mr. Skrbis noted that he brought pictures to the last meeting, which showed the severe flooding. Mr. Skrbis said the resident has been patient and is willing to work on the ditch, with suggestions. It was agreed that Mr. Skrbis will discuss this with Mr. Kiefer after the meeting.

Councilman Schulz inquired about construction inspections for the drainage projects. Mr. DiCillo stated that the contractor has to come up with a quality control plan for maintenance issues down the road. Mr. DiCillo went on to say the project is unique, as it consists of six different projects being contracted by two different contractors, which makes it a little more complex to try and inspect the work. Mayor Davidson stated that Mr. Kiefer, or Mr. DiCillo, in their attendance at the projects will be sure to handle any problems they may notice.

Concerning financial issues that will be discussed in the Finance Committee meeting, Councilman Lesnick asked if anyone has ever looked at other engineering and/or inspection services, to see if there was a less expensive option. Mayor Davidson responded that these particular projects are funded 100 percent, from engineering to execution, however it would be a good discussion for the Finance Committee during budget time.

Mrs. Kovalchik advised she has scheduled a meeting with Tim Miller, at Lake County, to become more familiar with the projects and the funding. It appears Lake County is open to pre-funding projects in the future, and she will be discussing this at the meeting. Mrs. Kovalchik stated she had hoped to have online access to purchase orders that were already open, as well as project lists, however she does not. There was discussion regarding pre-funding of projects.

There was discussion regarding the \$500,000 that was borrowed by the City for the Route 306 project. Mr. Kiefer advised that the total costs have not been finalized for the project due to damage claims against the contractor, and the final certification of the project was held up. Mr. Kiefer said it is holding up the county finalizing the paperwork for the project, to get the final monies from the state for the project. There have been monthly progress payments received by the county, however the balance has not yet been received, therefore the City has not recovered any of its money yet.

Councilman Lesnick stated he was disappointed in the holdup, as Council was told the monies they fronted for the project would be temporary, a few months, not for a full year. He stated the City is paying approximately three times as much interest as was anticipated when Council approved it. Mr. Kiefer responded that the City is not getting all the funding back, because the contractor, rather than the City, did the curb ramps. Mr. Kiefer stated that the handicap ramps are 100 percent local money. Responding to Councilman Smolic, Mr. Kiefer stated he would have a more firm number of the total cost for the Route 306 project at the next meeting.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Councilman Lesnick stated that Council should have been apprised of these changes, as they are similar to a change order. Mr. Lesnick said there will now be \$30,000.00 in interest, which was not approved. He stated that Council approved borrowing \$500,000.00 with less than \$10,000.00 in interest.

Council President Potter asked if any of the drainage work ties into the county signing off on the completion of work, to which Mr. Kiefer responded it does tie into the net cost of the project. Mr. Kiefer noted that the City will be getting OPWC money for part of the work, and there is some stormwater money involved because of the drainage work.

Mayor Davidson advised that during the Finance Committee meeting there will be discussion concerning the General Fund and its condition over the past 10 years, because the fiscal health indicator from the Auditor of State is in the red, and has been for many years. He noted that the Fiscal Review Task Force made some suggestions, and that Mr. DiCillo's agenda includes completing the in-kind work and receiving the rest of the monies from OPWC.

Discussion ensued concerning the projects, the in-kind work, the timelines and costs.

STANDING COMMITTEE REPORTS:

Council President Potter noted that an Economic Development Standing Committee meeting was held Monday evening, and assignments were given to all of Council

Councilman Lesnick noted that there will be a Finance Committee meeting following the Council meeting.

CORRESPONDENCE:

Council President Potter advised that two public notices were received from the Ohio EPA, relating to the Division of Surface Water.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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)

Mr. Lesnick moved to remove from the table, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).** The legislation was read by title only. Mr. Lesnick moved to amend the Ordinance to accept the revised Exhibit A provided by the Planning and Zoning Standing Committee, with the second by Mr. Smolic. During discussion, Mr. Lowery (as Chairman of the Planning and Zoning Standing Committee) stated the ordinance addresses solar, wind, and geothermal alternate energy. Mr. Lowery stated that the Committee spent a great deal of time reviewing this matter; he noted that he is not aware of any complaints in regard to these uses. With no such legislation currently on the books for the City of Kirtland concerning alternate energies, Mr. Lowery stated that the Committee felt it was important to get this legislation on the books.

OLD BUSINESS – ORDINANCE NO. 18-O-31 (continued):

Mr. Lowery noted that the Committee discussed variances, and it was made clear in the ordinance that there is a provision for requesting variances. There was discussion regarding including a three-year review clause. It was noted that if there is new technology, the ordinance can be reviewed again as needed.

Mayor Davidson stated he has two objections to the ordinance. Noting that the ordinance is well-intentioned, the Mayor stated that he believes the wind energy is the one aspect that imposes upon neighbors. The Mayor expressed concerns about the City restricting the placing of pipes in the ground for geothermal energy, noting that there are no restrictions on installing an underground sprinkler system. With regard to solar energy, the Mayor stated that homeowners' associations may choose to regulate this use, but he does not believe it would impose on the neighbors. The Mayor stated that he does not believe the City needs to regulate or issue permits for geothermal or solar energy. Discussion ensued in this regard; Mr. Lesnick and Mr. Lowery expressed their concerns that there is a need for regulations.

Voting began on the motion to amend. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).** It was noted that the legislation was tabled at Second Reading, and due to the passage of the amendment, it reverts to Second Reading.

Mr. Lesnick moved to waive the third reading, with the second by Mr. Smolic. Mr. Skrbis stated that waiving readings should never be a convenience of Council and should only be done when necessary for the safety and in an emergency of the City. After discussion, Mr. Potter called for the vote. **ROLL CALL: MOTION FAILED 3/3 (VOTING YEA: SMOLIC, LESNICK AND LOWERY. VOTING NAY: POTTER, SCHULZ AND SKRBIS).** Upon failure of the motion, the legislation was placed on Second Reading.

RESOLUTION NO. 19-R-10
(Mayor Davidson)

- **(Third Reading) - 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.**

The legislation was read by title only. Council President Potter noted that the legislation needs to be amended to incorporate the revised Exhibit A provided by the Finance Director. Mr. Potter noted that the total transfer amount has been reduced from \$489,150 to \$389,150. Mr. Schulz moved to amend to incorporate the revised Exhibit A. Mr. Lesnick questioned if there will be a negative affect on finances by approving the Resolution, to which Mrs. Kovalchik responded that it must be approved since Council has already authorized the funds. Mr. Lowery seconded the motion to amend. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).**

Mr. Lesnick questioned Mrs. Kovalchik if it was in the City's best interest to waive the third reading and adopt. Mrs. Kovalchik responded there is a June 10 deadline, and authorization of this Resolution is at the discretion of Council, but it would be helpful if the third reading is waived. Mr. Schulz moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).**

OLD BUSINESS – (continued):

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

- **(Third Reading) - 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. Mr. Schulz moved to adopt, with the second by Mr. Lowery. Mr. Lowery stated that the fees have not been updated in a long time, and he stressed the importance of this ordinance. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).**

RESOLUTION NO. 19-R-15
(Mayor Davidson)

- **(Second Reading) - A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CURRENT LEVY OF TWO (2) MILLS FOR FIVE (5) YEARS FOR THE PURPOSE OF GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS AND BRIDGES IN THE CITY; AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE LEVY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only, and placed on Second Reading. Council President Potter noted that there will be discussion regarding this and the following Resolution during the Finance Committee meeting.

RESOLUTION NO. 19-R-16
(Mayor Davidson)

- **(Second Reading) - A RESOLUTION DECLARING IT NECESSARY TO LEVY A REPLACEMENT OF AN EXISTING 2.5 MILL TAX LEVY, FOR A CONTINUING PERIOD OF TIME, FOR THE PURPOSES OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, OTHER EQUIPMENT, BUILDINGS AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF A POLICE DEPARTMENT, FOR THE PAYMENT OF SALARIES OF PERMANENT OR PART-TIME POLICE, COMMUNICATIONS OR ADMINISTRATIVE PERSONNEL TO OPERATE THE SAME, AND ALL THOSE OTHER PURPOSES THAT ARE SPECIFIED AND AUTHORIZED WITHIN SECTION 5705.19(J) OF THE REVISED CODE AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE LEVY, AND DECLARING AN EMERGENCY.**

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

NEW BUSINESS:**ORDINANCE NO. 19-O-19**
(Mayor Davidson)

- **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,015,000 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 2018, DATED JUNE 20, 2018, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Smolic inquired if the \$500,000 that was previously discussed regarding the loan is included. Mrs. Kovalchik advised this Ordinance refers to payments that have already been approved for prior projects. She noted that the City has up to five years to pay interest only; after five years it would go to a bond or the City would start to pay principal and interest.

Discussion ensued, and Mr. Lesnick reiterated his disappointment in how the project (Route 306) was handled. Mr. Skrbis also expressed his concerns.

Mr. Lesnick moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 5/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, LESNICK AND LOWERY. VOTING NAY: SMOLIC).**

RESOLUTION NO. 19-R-20
(Mayor Davidson)

- **A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE TIBBETTS ROAD CULVERT REPAIR PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lesnick stated that Mr. Smolic sent an e-mail questioning who was involved in reviewing the bids and requesting to see the bids. Mayor Davidson advised Council President Potter that all questions Mr. Smolic presented to the engineer were answered in detail. In discussion, Mr. Lesnick stated that he is looking for more information regarding the bids and the design. Mayor Davidson stated there is not an urgency to waive the three readings, if Council needs additional information from Mr. Kiefer.

Mr. Kiefer stated that the City has 60 days to execute a contract, so the legislation will need to be passed as an emergency if it receives three readings. Mr. Kiefer stated that the design drawings are in the bid book, noting that there is a copy in the Mayor's office. Mr. Lesnick requested to meet with Mr. DiCillo next week to review this further.

The legislation was placed on First Reading.

RESOLUTION NO. 19-R-21
(Mayor Davidson)

- **A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE RACCOON HILL DRIVE OUTFALL IMPROVEMENTS PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.**

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

NEW BUSINESS (continued):**RESOLUTION NO. 19-R-22**
(Mayor Davidson)

- A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE FOX HILL DRIVE DRAINAGE IMPROVEMENTS PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 19-R-23
(Mayor Davidson)

- A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE GILDERSLEEVE DRIVE CULVERT EXTENSIONS PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 19-R-24
(Mayor Davidson)

- A RESOLUTION ACCEPTING THE BID OF JTO, INC., FOR THE ROCKWOOD DRIVE OUTFALL REPLACEMENT PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JTO, INC., AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 19-R-25
(Mayor Davidson)

- A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE WISNER ROAD STREAMBANK STABILIZATION PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.

The legislation was read by title only and placed on First Reading. Mayor Davidson stated, for the record, this is a separate project for Wisner Road than the project that was funded by the EPA-19 grant.

RESOLUTION NO. 19-R-26
(Mayor Davidson)

- A RESOLUTION THAT THE CITY OF KIRTLAND WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE FINANCE DIRECTOR AND ASSISTANT FINANCE DIRECTOR AS EMPLOYEES OF THE CITY OF KIRTLAND PURSUANT TO IRC SECTION 414(h)(2), AND DECLARING AN EMERGENCY.

The legislation was read by title only. Answering Mr. Schulz, Mayor Davidson stated that this relates to the agreement that was made with Mrs. Kovalchik and Mr. Slapnick. Mrs. Kovalchik stated the benefit was already placed in the employment contracts during negotiation, however there was no City Code to allow for the benefit. Mrs. Kovalchik stated that it is not retroactive, therefore, until the Resolution is passed it will not be a part of the benefit package. Answering Mr. Lesnick regarding the cost to the City, Mrs. Kovalchik stated it is ten percent of the \$30,000 salary previously authorized; she noted it does not change the base salary. Mr. Lesnick questioned why the dollar amount was not included in the Resolution. Mr. Richards advised that the language in the Resolution was provided by OPERS and is required for this purpose.

NEW BUSINESS – RESOLUTION NO. 19-R-26 (continued):

Mayor Davidson stated that this benefit was part of the contract that was negotiated with the Finance Director and Assistant Finance Director. The Mayor requested that Council respect the signed contract and waive the three readings, to avoid penalizing Mrs. Kovalchik and Mr. Slapnicker with loss of benefits.

Mr. Schulz moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. 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: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).** When casting his vote, Mr. Lesnick commented that during discussion, he questioned what this means and what is being paid because that was not provided.

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Noting that two Council members will not be available for the next regular meeting on May 20, Council President Potter noted that Council would like to reschedule that meeting to a date when the Council members are available. Mr. Skrbis moved to reschedule the May 20 Council Meeting to Wednesday, May 29, 2019, at 7:00 p.m. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY. VOTING NAY: NONE).**

Upon agreement of the Committee, Mr. Smolic advised that the Service Department Standing Committee meeting to discuss the road plan will be scheduled for May 29, 2019, following the Council meeting.

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Lesnick clarified to Mr. Slapnicker and Mrs. Kovalchik his intentions behind his comments on Resolution No. 19-R-26, as they were not meant to be personally directed. He went on to say he is happy to have them on board.

Councilman Skrbis noted that the Charter states there needs to be three readings on all resolutions and ordinances presented, however it does not clarify reasons for waiving the readings. Therefore, the decision is up to Council. Mr. Skrbis stated the three readings are there for citizens to be able to hear what is being proposed and voted on. Mr. Skrbis went on to say he could not find a document that states the rule, so that gives Council a little more liberty to have a discussion on the topic.

PUBLIC COMMENTS:

John Florentine, 7360 Ledgewood Drive, stated concern about Resolution 19-R-24 and the work that will be done and the effect on Ledgewood Drive. Mr. Kiefer responded that JTO will intercept the flow on the east side of Rockwood and send it down to the bottom of the hill. Mr. Florentine asked what will happen on the west side; Mr. Kiefer advised it will flow to the east side.

PUBLIC COMMENTS (continued):

Mike Debeljak, 7380 Ledgewood Drive, thanked the Mayor and Council for working to resolve the stormwater issues he is having. Mr. Debeljak said he's spent \$6,000.00 in the past 10 years on rocks trying to control the situation on his own. He went on to congratulate Mr. DiCillo. Mr. Debeljak explained his neighbors, Mr. Florentine and the neighbor next to him, are elderly. He stated that these neighbors get the brunt of the water that goes through his back yard. He said that after he called the Service Department on Friday, Mr. DiCillo answered the early morning call and met with him and walked the property in the rain for approximately an hour. He stated that Mr. DiCillo followed up with an email today, and dispatched a crew from the Service Department on Monday to help clean the neighbors' yards, for which Mr. Debeljak expressed his appreciation.

Mr. Debeljak then stated there was a car fire at the top of Rockwood at Route 6 on January 30. He said he called it in, noting that he is a police officer in a nearby city. The car was fully engulfed. Mr. Debeljak said he wanted to let Council know he was very pleased with the dispatch, the response, the police, and the fire personnel that responded to the car fire. Responding to Mr. Lesnick, Mr. Debeljak said he'd called in on his cell phone.

Council President Potter commended the Police Department for the quick response regarding a recent situation at Sunday Mass when a young gentleman passed out. Mr. Potter noted that there was a problem for the ambulance getting into the parking lot on Sunday. Chief Hutton responded that he heard about it today. Responding to Chief Hutton, Mr. Potter noted that attendance was high and the parking lot was extraordinarily full due to ordination of a new deacon. Noting that the high attendance also happens on Christmas and Easter, Mr. Lesnick suggested that Chief Hutton talk to Father Dave to suggest some markings on the parking lot pavement for no parking zones

ADJOURNMENT:

Mr. Skrbis moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 8:47 p.m.

President of Council

Clerk of Council