

KIRTLAND CITY COUNCIL MINUTES

June 3, 2019

The meeting of Kirtland City Council was called to order at 7:08 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 Mary Kovalchik, City Engineer Philip Kiefer, Service Administrator Duane Martz, Police Chief Lance Nosse, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake.

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton gave no formal report, and there were no questions asked of him.

Police Chief Lance Nosse gave no formal report. Regarding the coyote situation, the Police Department is working with Lake Metroparks, and Chief Nosse has reached out to the Division of Wildlife. There is no culling of coyotes right now. Chief Nosse stated if a resident has an issue, please call 911 and officers will be dispatched to help. Once more information is available everyone will be notified. Meanwhile, be mindful, keep pets tethered and close.

Service Administrator Duane Martz did not present a formal report.

Councilman Lesnick requested Lake County be contacted to patch the bridge on Booth Road. Mr. Kiefer said he would ask, and then let the Mayor and Commissioners get involved if needed.

Chief Hutton reported he was asked to write a letter of support to the county engineer concerning the Booth Road bridge. He went on to say the county is trying to get grant money to replace the superstructure and work on the bridge. The letter was completed last week; hopefully it will help.

City Engineer Philip Kiefer stated that he distributed his monthly report. Mr. Kiefer advised that Dominion would like to replace a 16" gas valve on Route 6, just east of Route 306 (across from Circle K). To do this, the road will need to be closed completely for three days. The official detour would follow state routes, and will have to go into Geauga County. Mr. Kiefer directed Dominion to talk to ODOT about procedures that will need to be set up. There will be at least a 30-day advanced warning, with notices placed showing the dates the road will be closed.

Mr. Kiefer reported that Aqua Ohio is planning to replace the waterlines on Charlesderry Road and Glen Park Road. The current four-inch water lines will be replaced with six-inch lines. This will provide better fire flow protection for the residents in that neighborhood. There is no other place to put the lines except under the pavement, so they will have to dig up the road. Mr. Kiefer said there will have to be discussion with them concerning how much of the road will be resurfaced, as Aqua Ohio is responsible for putting down asphalt over the trenches they dig.

Responding to Council President Potter, Mr. Kiefer said traffic count does play a part in road grant applications, and the count for Billings Road was 8,000 vehicles a day, according to NOACA. Mr. Kiefer stated if the counting process is begun earlier this year, for next year, he should be able to retrieve more accurate traffic counts.

Concerning a water main leak on Route 306, Councilman Lowery asked if there has been a date set to do a permanent fix on the road. Mr. Kiefer said he would look into it.

DEPARTMENT REPORTS (continued):

Mr. Kiefer updated Council concerning the reimbursement of funds from the \$440,000.00 given to the county. There should be over \$300,000.00 returned. Discussion ensued concerning the Route 306 and storm sewer project, how the monies were dispersed, and what will be reimbursed.

Finance Director Mary Kovalchik stated that she reported at the last meeting that the Governor is including approximately \$114 million for local governments in the return funds from the Workers Comp budget. However, this week the House Finance Committee decided to expand post-traumatic stress disorder to House Bill 80. According to the Amendment language, Peace Officers, Firefighters, and EMS will be eligible for workers compensation, if diagnosed with PTSD, even if they have not suffered an injury. The OML reported it's unknown what kind of fiscal impact this will have on the local governments. The amendment language and accompanying documents do not provide details on cost projections, estimated increases in claims, or even how the coverage was specifically funded.

Concerning the inquiry of Council of an anticipated timeline on assessment of bonds when discussing the Old Town sewer, Mrs. Kovalchik has confirmed there will be no need of an official statement, which allows for a faster timeline than she originally anticipated. Generally, if it is not run through the State Treasurer's office, the timeline looks to be approximately four weeks from the date of proposal.

Mrs. Kovalchik advised that Standard and Poor issued an SP1+ rating on the \$3,014,000.00 general obligation BANS dated June 19. Under the City's agreement with S&P, any relative financial impacts to the City must be reported and disclosed under the FCC Rule 15C2-12. Mrs. Kovalchik forwarded the most recent article to the FCC, as there is a material financial impact to the City. This is only part of the process, just as putting together financials. Pending litigation and anything that would have a material financial impact on the City must be reported.

There was discussion about prefunding and the Memorandum of Understanding through the County Commissioners. Lastly, because everything is pre-funded, any changes will have to go back through the Commissioners. This could slow the process, but Mrs. Kovalchik stated she would discuss with the Commissioners an emergency option, to be used if there is a need for an immediate change order so the funding will not be stopped.

Responding to Council President Potter's question, Mrs. Kovalchik explained in further detail the timeline and process for assessment of bonds.

Mr. Potter asked if construction would be held up, to which Mrs. Kovalchik said it would not, as long as the City is credit worthy. Mrs. Kovalchik went on to say she is not positive how the agreement would read, as she's not seen this plan yet. There seem to be quite a few steps, involving the EPA, and knowing who the City is responsible and reporting to, and what their timeline is so it can be met.

Mayor Davidson stated that the City is currently awaiting findings and orders from Ohio EPA, and said it was good information to hear about the fund.

Council President Potter stated it is his understanding that the Old Town Sewer project is expected to happen, to which Mayor Davidson agreed; however, findings and orders from Ohio EPA will dictate that. The Mayor noted that Mr. Kiefer has an example of what was done in a similar sized community, and he will ask Mr. Kiefer to forward the information via email.

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

DEPARTMENT REPORTS (continued):

Economic Development Manager Monica Drake reported she submitted the economic development assignment paragraphs for review. Ms. Drake met with Mr. Kiefer to discuss sewers, and next steps. Ms. Drake will continue the discussion with him.

Ms. Drake reminded Council that if there is a desire to place the zoning issue on the ballot, the time to get it done is close.

Ms. Drake advised that June 13 and 14 she will be attending an advanced finance and incentives course that is offered through Ohio Economic Development Association. This is an advanced course, and all the different financial tools will be discussed.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson congratulated all of Kirtland's graduates, and praised the teachers and administration. He wished a great summer to the students and parents.

Councilman Lowery asked if the City of Kirtland has placed anything on WINT 101.5, to which Mayor Davidson responded the station is excellent and Kirtland is mentioned. There was a period of time when the station had dead air due to nearby boring near the compound. Mayor Davidson said he will find out the frequency of mentions, but noted that the City is not paying for promotions.

Mayor Davidson stated there were four entities in the contract for the shared economic development manager (Ms. Drake). In August, the Port Authority will be taking their option; they will be out and the cities will be managing. The Mayor advised that Council will see a reauthorization for the original period, at the same price. One of the other cities will be acting as the paying agent. As soon as the information is available, it will be presented to Council.

STANDING COMMITTEE REPORTS:

There was discussion regarding scheduling an Economic Standing Committee meeting. Mr. Potter noted that the meeting date and time will need to be determined.

Councilman Smolic state that the minutes of the Service Department Standing Committee meeting will be forwarded to the Clerk. There will be another meeting scheduled to continue the conversation.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Barb Ducca, 8850 Eagle Road, voiced her disappointment and disapproval concerning the police levy legislation not being passed by Council. She stated she doesn't know who could live on a 1982 budget in 2019. The first thing Council should want to do is keep the city as safe as possible -- which is not a reference to Chief Nosse -- however, she believes the people should be allowed to vote on whether or not a police levy should be passed. Mr. Potter thanked her, and advised her that the police budget has increased for the past several years; this year there was not an increase in the dollar amount, but there was a \$140,000.00 loan to fund the PSAP.

OLD BUSINESS:

- RESOLUTION NO. 19-R-20** - (Third Reading) - 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. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).**

- RESOLUTION NO. 19-R-21** - (Third Reading) - 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. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).**

- RESOLUTION NO. 19-R-22** - (Third Reading) - 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. Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).**

- RESOLUTION NO. 19-R-23** - (Third Reading) - 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. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND POTTER. VOTING NAY: NONE ABSTAINING: LOWERY).**

- RESOLUTION NO. 19-R-24** - (Third Reading) - 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.

OLD BUSINESS – RESOLUTION NO. 19-R-24 (continued):

The legislation was read by title only. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Skrbis. Mayor Davidson stated there are not sufficient funds in the Lake County Storm Water Management account for Kirtland to accomplish 19-R-24 and keep a reserve. Therefore, voting no is not a sign of not favoring the project, but instead recognizing there is not enough funding for the project at this time. If the legislation fails, it will stay on the engineer's list and the project can be reconsidered as soon as funding is available.

Councilman Smolic voiced his grievance, as multiple residents have been coming to the Council meetings only to have the project put on the agenda to be done, and then removed. Mr. Smolic stated he understands the situation, but is disheartened. The cost of the project is \$327,000.00, with the additional \$60,000.00. Mr. Lesnick asked what the additional \$60,000.00 represents. Mr. Kiefer responded that number encompasses the bidding process, inspection, and a contingency fund of \$26,040.00 which represents ten percent of the project cost. Mr. Lowery asked if there was an option to table the legislation instead of defeating it, however the bid expires on June 26. Therefore, unless Council expects funding before then, it should be defeated.

Voting began on the motion to adopt. **ROLL CALL: DEFEATED 6/1 (VOTING NAY: SCHULZ, SKRBIS, KIREK, LESNICK, LOWERY AND POTTER. VOTING YEA: SMOLIC).**

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

- (Third Reading) - 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. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek. Responding to Mr. Potter, Mr. Kiefer confirmed that this is not the same project that involves Chagrin River Watershed Partners. **ROLL CALL: ADOPTED 6/1 (VOTING YEA: SCHULZ, SKRBIS, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: SMOLIC).**

NEW BUSINESS:**ORDINANCE NO. 19-O-33
(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, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Lowery clarified that this relates to Section 236.07(d), Section (p) through (x). The fees were changed on (r) through (x), which has to do with foundation fees, both flush and above ground. Those fees were changed to bring them current with others in the region. However, the associated fees in sections (p) and (q) were not adjusted, which will be corrected by this legislation. Mr. Skrbis stated it behooves Council to move quickly on this, as it affects fees. Mr. Richards stated this is a housekeeping amendment, and praised Mr. Lowery for being able to put the legislation together, considering all the data involved. Mr. Skrbis moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).**

NEW BUSINESS (continued):**RESOLUTION NO. 19-R-34**
(Mayor Davidson)

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2019 ENERGIZED COMMUNITY GRANT(S) FUNDS, 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. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURN INTO EXECUTIVE SESSION:

Mr. Potter moved to adjourn into executive session pursuant to ORC §121.22(G)(1) and pursuant to Article I, Section 7(a) of the City Charter, for the sole purpose to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official. Mr. Lesnick provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).** The executive session convened at 8:00 p.m.

RETURN TO REGULAR SESSION:

Mr. Schulz moved to adjourn the executive session and reconvene the regular meeting, with the second by Mr. Lesnick. Upon the affirmative vote of all members of Council, the executive session was adjourned at 8:30 p.m. and the City Council meeting reconvened at 8:31 p.m.

ADJOURNMENT:

Mr. Smolic moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 8:32 p.m.

President of Council

Clerk of Council