

KIRTLAND CITY COUNCIL MINUTES

December 4, 2017

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. David Kirek was absent.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

MINUTES OF THE NOVEMBER 20, 2017 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 4/0/2 (VOTING YEA: POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: LESNICK AND LOWERY).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report has been distributed. Councilman Lesnick inquired about the number of calls/incidents for this month compared to other months. Chief Hutton advised that the call volume has been steady, noting that it is a little bit greater than past years. Chief Hutton noted that fires are more common between Thanksgiving and New Year's Day. He noted that the calls in Kirtland are mostly for EMS. Chief Hutton noted that the Department responds fairly often to calls at Lakeland Community College when they are in session.

Councilman Lowery inquired about the frequency of mutual aid to other cities. Chief Hutton advised that the Department responds to automatic mutual aid and MABAS, noting that automatic mutual aid is much more frequent. The Chief advised that Kirtland responds approximately once or twice per week for automatic mutual aid to Willoughby, Willoughby Hills and Eastlake. He noted that Kirtland responds throughout Lake and Geauga Counties for MABAS calls. Chief Hutton stated that the Department keeps track of how many times Kirtland receives aid compared to the number of times aid is provided; he noted that Kirtland gives aid more often than it receives aid.

Councilman Smolic inquired about the status of the fire truck. Chief Hutton advised that the custom chassis is still being built, noting that completion is still several months away.

Police Chief Lance Nosse advised that the formal report has been distributed. Councilman Lesnick inquired about the number of calls/incidents for this month compared to other months. Chief Nosse stated that the number of calls are fairly steady, noting that the numbers have been down slightly the past month. He noted that the Department averages 700 to 800 calls for service per month.

Councilman Lowery inquired if the alarms listed on the report are for house alarms. Chief Nosse advised that the majority are residential house alarms, and most are false alarms. Mr. Lowery inquired about mutual aid. Chief Nosse stated that the Department occasionally responds outside the City of Kirtland, although Kirtland is surrounded by cities with larger police departments. Chief Nosse stated that there is a mutual aid agreement in Lake County; he noted that Kirtland has assisted in approximately 100 calls this year.

DEPARTMENT REPORTS (continued):

With regard to traffic stops, Councilman Lesnick inquired if there is a particular area that is most active. Chief Nosse advised that the stops are throughout the City, noting that special attention is focused in areas where the Department receives complaints from residents. Chief Nosse noted that a lot of the traffic stops occur on Kirtland-Chardon Road, State Route 306 and U. S. Route 6.

Councilman Smolic inquired about the business checks, noting that the numbers on the report are higher in the past few months. Chief Nosse stated that in order to be proactive, he has asked the officers to stop and talk to the business owners more frequently to make sure everything is going well and to see if they have any concerns or needs.

Service Administrator Carm Catania did not present a formal report. Councilman Schulz inquired if there is any update on the light at Chapin and Hobart. Mr. Catania stated that he has submitted the request, and Helen Petersburg has spoken with the CEI representative. Mr. Catania stated that a light was recently replaced at Charlesderry; Council President Potter noted that the resident had also contacted CEI.

Councilman Schulz stated that during the last two larger rainstorms, he noticed that there is a dip in the road on the northbound edge line on Route 306 near the Chapin Forest entrance, and it seems that it is becoming more prominent. Mr. Catania stated that there is a flooding issue in that area on the east side of Route 306, noting that the base underneath the road is likely getting saturated because of the ditch. He noted that it needs to be cleaned out.

Noting that he previously brought up an issue with the culvert at 10901 Lakebrook and some erosion that is occurring, Councilman Schulz inquired whether this issue has been addressed. Mr. Catania stated that he will check his records to see what was done, and he will follow up with Mr. Schulz.

Councilman Smolic inquired about the issue with flooding at the end of Monterey. Councilman Schulz advised that Mr. Kiefer followed up with him regarding the hydraulic study that was done, noting that the homeowner is responsible for the driveway culvert pipe. Mr. Schulz noted that the culvert pipe that was initially installed was apparently undersized.

City Engineer Philip Kiefer advised that his monthly report for November has been distributed. For the benefit of the new Council members, Mr. Kiefer advised that the report lists projects that are underway or recently completed, noting that the italicized text indicates work that was done the previous month.

Councilman Smolic inquired about the variance request for the proposed new cell tower. Mr. Kiefer stated that it would be less than 1/2 mile from the cell tower at the school; he noted that the distance requirement was included when the ordinance was first adopted because of concerns that towers would be everywhere. Mr. Kiefer noted that the Ordinance chapter needs to be updated to remove language that is no longer relevant.

Mr. Smolic inquired if the City's hardware would be placed on the new tower, and whether it would be advantageous. Mayor Davidson stated that there is cost involved, noting that the vendor will not cover the cost of attaching the antennas, moving the cables, or trenching, because they do not want to be responsible for the safety forces' communication systems. Chief Hutton stated that the majority of the radio system operates on the 800 system, which is on repeater towers, county-wide; he stated that the tower at City Hall is not part of the county system. Chief Hutton noted that the low-band antennas are behind the road garage. Chief Nosse stated that from what they can determine, the equipment is for the back-up radios, which are no longer operational due to lightning strikes at Station 2 and at City Hall. Chief Nosse stated that Spaulding Radio Communications advised that it would be quite costly to move the equipment. Chief Hutton stated that it does not appear that the existing equipment on the City Hall tower is necessary.

DEPARTMENT REPORTS (continued):

Referring to the City Engineer's report, Councilman Lesnick inquired about next steps following televising of the storm sewers, and whether there are time limitations. Mr. Kiefer stated that a meeting will be scheduled with the Health Department to develop a plan. Mr. Kiefer stated that there will not be issues with the EPA as long as the City is making progress on solving the problem.

Noting that the crosswalks and the Kirtland-Chardon Road safety improvements did not receive funding, Councilman Lesnick inquired about the future of these projects. Mr. Kiefer stated that he can apply for funding again next year for Kirtland-Chardon Road. With regard to the crosswalks, Mr. Kiefer stated that Tammy Jo Hughes of CT Consultants is looking at other possibilities for funding. Councilman Schulz noted that NOACA has a new District Traffic Safety Engineer.

With regard to the project at the Recreation Park, Mayor Davidson stated that he met with the County Engineer; he noted that the County Engineer is doing the design work and the funding will be through Lake County Stormwater Management.

Responding to Councilman Smolic, Mr. Kiefer stated that it is his understanding that the Verizon fiber optic lines would be on Route 306 only, noting that the school is connected to fiber optics. Mr. Kiefer advised that plans have not yet been submitted.

With regard to the Route 306 resurfacing slated for next year, Councilman Smolic inquired if the road will be wide enough to include a bike lane. Mr. Kiefer stated that it will not be wide enough, adding that he would be hesitant to recommend a lane for bicycles on Route 306. Councilman Schulz noted that a bike lane would add approximately five feet of pavement, every ditch line would need to be moved and there would be interference with shallow utilities. Mr. Schulz noted that it would explode the cost of the construction and the cost would be 100 percent local.

Councilman Schulz stated that he received a complaint last year regarding an engine retarder on Route 6 near the former VFW hall; he stated that he recently received another complaint from a resident that lives near Parkwood, and he suggested that the City consider having signs installed for no engine retarders (Jake brakes). Mr. Kiefer stated that he will discuss this with the Law Director to determine if an ordinance is needed.

Finance Director Keith Martinet advised that he will have the November financial statements prepared and available for the next Council meeting. Mr. Martinet advised that the final amended appropriations will be on the next Council agenda.

Law Director Daniel Richards did not present a formal report. Councilman Smolic inquired what would be required to pursue an ordinance regarding engine braking. Mr. Richards advised that it would be reviewed by the Planning and Zoning Commission.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson welcomed the new Council members. With regard to the proposed cell tower, Mayor Davidson stated that the variance request will be reviewed by the Board of Zoning Appeals on December 7; he noted that the ordinance requires 0.5 mile separation between towers, and the closest tower (at the school) is 0.3 miles. Noting that it is a revenue vs. aesthetics question, the Mayor stated that the additional revenue would be worthwhile.

Mayor Davidson noted that former Mayor Jim Naughton always asked him to mention in remembrance Pearl Harbor Day on December 7.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Davidson stated that he mentioned a fiscal review in the Chronicle, which is modeled on the City of Willoughby's fiscal review (documents available on the Willoughby website). The Mayor noted that he spoke with Louis Slapnicker, who is President of the Municipal Finance Officers Association and is with the Finance Department in the City of Lyndhurst. The Mayor noted that Mr. Slapnicker is willing to work with the City in regard to this review. Mayor Davidson stated that he will have an outline available for Council at the January 17 meeting. He reviewed the process involved for the fiscal review, noting that each Council member will select an individual for that Commission. The Mayor stated that he would hope to have results at the end of March, and the document in April. Responding to Council President Potter, Mayor Davidson stated that there is no cost involved for the fiscal review.

STANDING COMMITTEE REPORTS:

Council President Potter stated that he distributed tentative Standing Committee assignments; he requested that Council members review the assignments and advise him of any concerns or requested deviations.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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. Councilman Smolic stated that he would like to get the Planning and Zoning Standing Committee together before or after the next Council meeting. Council President Potter noted that a meeting can be scheduled once the committee appointments are adopted at the next meeting.

ORDINANCE NO. 17-O-39 - (Second Reading) - **AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**
(Mayor Davidson)

Read by title only. With the rise in internet banking, Councilman Schulz inquired if the City must use brick and mortar banks, or if there has been any change in the law that would allow the City to get a greater return. Mr. Martinet stated that interest income is improving, noting that last year the City received \$1800 in interest income, and this year the City received \$7500. Mr. Martinet stated that he has not seen any changes in the law.

The legislation was placed on Second Reading.

OLD BUSINESS (continued):

ORDINANCE NO. 17-O-40 - (Second Reading) - **AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE-MONTH PERIOD ENDING MARCH 31, 2018.**
(Mayor Davidson)

Read by title only. For the benefit of the new Council members, Mr. Martinet advised that the City cannot spend money that has not been appropriated; he noted that the permanent appropriations are passed at the end of March, but the temporary appropriations allow the City to operate for the first three months until the appropriations are approved. Mr. Martinet stated that any money that is spent will be in the budget, and unless it is an emergency, there are no capital expenditures or discretionary spending during the first three months of the year. The legislation was placed on Second Reading.

Councilman Lesnick inquired about the possibility of completing the budget process earlier. Mr. Martinet stated that it is not known until the end of the year what the beginning numbers will be for the next year, noting that the budget could be done earlier if the City had a larger carry-over. Mr. Martinet stated that the budget is tight, but the City lives within its budget; he noted that a lot of work is put into the budget process.

NEW BUSINESS:

RESOLUTION NO. 17-R-45 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF RICHARD P. DEMARCO TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. 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: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

RESOLUTION NO. 17-R-46 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DAVID C. SKEGGS TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

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

RESOLUTION NO. 17-R-47 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF AMY BUCHANAN TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

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

NEW BUSINESS (continued):**RESOLUTION NO. 17-R-48**
(Mayor Davidson)

- **A RESOLUTION CONFIRMING THE APPOINTMENT OF CHRISTINE SPEECE TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. 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: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

RESOLUTION NO. 17-R-49
(Council as a Whole)

- **A RESOLUTION REAPPOINTING SUSAN MATTICOLI AS A MEMBER OF THE KIRTLAND BOARD OF TAX REVIEW, AND DECLARING AN EMERGENCY.**

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

RESOLUTION NO. 17-R-50
(Council as a Whole)

- **A RESOLUTION REAPPOINTING DANA DENNIS AS A MEMBER OF THE KIRTLAND BOARD OF TAX REVIEW, AND DECLARING AN EMERGENCY.**

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

With regard to the reappointments, Mayor Davidson noted that he made four telephone calls, and each of those individuals volunteered to continue serving on those Boards and Commissions. He noted that Amy Buchanan and Christine Speece volunteered for the positions on the Volunteer Fire Fighters' Dependents Board before he even had a chance to ask them. The Mayor stated his appreciation to all who agreed to serve on these Boards and Commissions.

Mayor Davidson stated appreciation to the Kirtland Garden Club for decorating inside City Hall and to the Service Department for decorating outside.

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Upon the inquiry of Councilman Skrbis and the suggestion of Councilman Smolic, it was agreed that a Planning and Zoning Standing Committee meeting be held following the next regular Council meeting on December 18, 2017.

COUNCIL COMMENTS (continued):

There was discussion regarding the combined meeting with the Planning and Zoning Commission and the Board of Zoning Appeals. It was noted that the Planning and Zoning Commission suggested that the meeting be held following Council's regular meeting on Wednesday, January 17, 2018. Council members were in agreement with the proposed date. Mr. Richards noted that it would be helpful if Council has a chance to review the meeting agenda ahead of time in the event there are additional items that Council would like to address.

Referring to the notice Council received from Dominion, Councilman Lesnick inquired if there was prior opportunity for Council input regarding the cost increase. Councilman Schulz stated that it is his understanding that petitions for rate increases are handled through the Public Utilities Commission of Ohio, and they must follow the required process.

Council President Potter initiated discussion regarding whether Council work sessions should continue to be held in the conference room or if they should be held in Council Chambers. Upon discussion, it was agreed that for the time being, work sessions will continue to be held in the conference room, and Council President Potter will provide a sign indicating the location of the work session and that the public is welcome to attend; if the conference room becomes too crowded, the work session would be moved into Council Chambers.

Council President Potter welcomed the students that were in attendance at tonight's meeting.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 8:00 p.m.

President of Council

Clerk of Council