

KIRTLAND CITY COUNCIL MINUTES

March 19, 2018

The meeting of Kirtland City Council was called to order at 7:09 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic.

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

MINUTES OF THE MARCH 5, 2018 COUNCIL 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 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

MINUTES OF THE MARCH 5, 2018 FINANCE COMMITTEE MEETING:

Mr. Lesnick moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Lesnick moved to approve the Minutes, as presented, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that two weeks ago there was a house fire on Timbercreek Drive after the last Council meeting. He noted that it was a single-family house occupied by an elderly resident. Chief Hutton stated that the first responders to arrive were Police Officer Mike Martin and Police Officer Eric LaTurner, noting that they helped the resident off the front porch and into the police car to keep her safe. He noted that they also tried to keep the fire in check until the Fire Department crews arrived. Noting their presence at tonight's meeting, Chief Hutton thanked the officers and commended them for their actions. The Chief stated that the Fire Department worked with mutual aid, noting that it was an electrical fire.

Responding to Councilman Lowery, Chief Hutton advised that there are fire extinguishers in the police cars, along with AED's, tourniquets, etc.

Councilman Lesnick inquired whether the Fire Department provides house inspections. Chief Hutton stated that the Fire Department inspects businesses and common areas of multi-family structures, but they do not inspect single-family homes, other than a home day-care. He noted that they would provide a home safety check if requested by a resident. Chief Hutton stated that when they respond to a squad call, they also check residents' smoke detectors if they have time, and they will go back and install a smoke detector if needed.

Police Chief Lance Nosse welcomed Law Director Richards back after his recent injury. Chief Nosse commended Officer Martin and Officer LaTurner for their actions at the recent house fire.

Councilman Smolic thanked Chief Nosse and Chief Hutton for spending the time to discuss the budget during the Finance Committee meeting.

DEPARTMENT REPORTS (continued):

Service Administrator Carm Catania did not present a formal report. Answering Council President Potter, Mr. Catania stated that the new loader arrived last week, noting that two vehicles were traded-in.

Councilman Schulz stated that he received a complaint regarding a septic system at 7721 Hidden Valley Drive, and he requested that Mr. Catania check this out.

Councilman Schulz inquired about the used car sales lot proposed at the E & C Building on Route 6, near the intersection of Route 306. Mayor Davidson advised that the applicant did not make it to the Planning and Zoning Commission meeting, so the application was tabled.

Councilman Lesnick inquired about the status of the lighting request. Mr. Catania stated that the paperwork has been submitted.

Noting that he received a complaint, Councilman Smolic inquired how many boats, trailers and campers are allowed on one site. Mr. Catania stated that the ordinance does not address the number allowed.

Councilman Skrbis inquired about the two light poles at the corner of Crary and Route 6. Mr. Catania stated that he has not yet looked into this. With regard to Council's inquiry regarding the antenna in front of Mr. Excavator, Mr. Catania stated that it was installed by CEI.

With regard to Councilman Skrbis' previous inquiry regarding the green street signs vs. the sandblasted black and white signs, Mayor Davidson stated that unless a sign is damaged or missing, it will not be replaced with a more costly sign at this time.

City Engineer Philip Kiefer provided an update regarding the old town sewer project. He advised that he has a draft of his portion of the power point presentation and a copy of the Lake County Department of Utilities' power point presentation, and he is waiting on the Lake County Health Department's power point presentation. Council President Potter requested the opportunity to review the information to be presented before the public meeting is held with the residents. Noting that he can review the information with Mr. Potter following tonight's meeting, Mr. Kiefer advised that the assessment will be determined by Lake County Department of Utilities. Councilman Lesnick suggested that a Public Utilities Standing Committee meeting be held in this regard before the public meeting. It was noted that a date has not yet been set for the public meeting.

Finance Director Keith Martinet did not present a formal report. Councilman Lesnick thanked Mr. Martinet for his help in the budget discussions.

Law Director Daniel Richards did not present a formal report. Council members welcomed him back.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated that Command Sergeant Retired Jeff Horn will be the speaker at the Memorial Day ceremony, noting that he is a Viet Nam veteran. He noted that further information regarding the Memorial Day ceremony will be forthcoming on the City website.

The Mayor advised that competitive bids were received for the crosswalk, noting that the lowest bid was \$99,000; he stated that the crosswalk is included in the budget, contingent on the priorities and budget approval of Council.

Councilman Schulz noted that the Easter Egg Hunt will be held at the Community Center on Saturday, March 24 beginning at 9:30 a.m.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Davidson stated that Red Oak Camp has offered to allow the use of their tennis court for pickleball, if the investment of paint and labor is made to mark it appropriately. The Mayor stated that there may be an organization in the city that would be able to do this, noting that he will follow-up. Responding to inquiries from Council, the Mayor stated that a semi-permanent tape was used to mark the pickleball court floor at the Community Center, making it more convenient for the users. The Mayor stated that consideration is being given to installing a pickleball court next to the bocce court, noting that some of the work can be done with senior funds. He stated that potential for a restroom is being considered in the vicinity of the bocce ball courts, noting that it would provide external restrooms when the building is locked. Referring to the senior funds, Finance Director Martinet stated that they must be used for projects that would benefit the seniors.

Councilman Lowery stated that pickleball was a hot topic when he was campaigning last year, and he thanked the Mayor for his efforts in this regard. With regard to the court anticipated at the Community Center, Mayor Davidson noted that Mr. Catania is meeting tomorrow with the contractor. The Mayor noted that the drawings for the Community Center building were obtained from the school.

STANDING COMMITTEE REPORTS:

Council President Potter noted that a Utilities Standing Committee meeting will be scheduled soon; he noted that following approval of the budget and appropriation, a Planning and Zoning Standing Committee meeting will be scheduled.

CORRESPONDENCE:

Council President Potter advised that correspondence was received from the Public Utilities Commission of Ohio regarding the application for authority to collect a system improvement charge. Councilman Schulz noted that years ago that charge was embedded in the bills, and it was separated and removed from the water bill approximately 18 months ago.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Douglas Rohde, Supervisor of Chemistry & Toxicology, Lake County Crime Laboratory, advised that the Crime Lab personnel are visiting the city and township council meetings to announce that they have a levy on the spring ballot, and they are looking for support for the levy. He stated that it is a 0.4 mil levy, which would add \$14.00 per \$100,000 of home value. Noting that their last levy was in 1999, Mr. Rohde stated that the crime lab is in desperate need of funds. He stated that the biggest problem has been the opioid epidemic, noting that every community in Lake County is affected. Mr. Rohde stated that they need new equipment and more personnel in the Chemistry & Toxicology section to keep up; he noted that the DNA section is also affected because property crimes are increasing as a result of the opioid epidemic.

Mr. Rohde stated that if the levy does not pass, the crime lab is looking at cutting back personnel, resulting in communities having to send evidence to BCI (Bureau of Criminal Investigation), which takes a longer period of time.

Responding to Councilman Lesnick, Mr. Rohde stated that it is an additional levy, noting that the current levy is 0.3 mil from 1999. Mr. Rohde stated that they currently have twelve scientists, and they need to add at least two more. He noted that their workload in drug chemistry has doubled in the last four years; toxicology is up about thirty percent and DNA has also increased significantly. Mr. Rohde stated that he does not have the exact figure, but the levy would generate approximately 1.3 million dollars.

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

Chief Nosse stated that the Police Department sends all of its work to the Lake County Crime Lab, noting that without the Crime Lab, the cases could not be expedited through Willoughby Municipal Court. Chief Nosse stated that if the Police Department sent all of its cases to BCI in Richfield, it would take six months to one year for return, and that is only if they accept what the Department sends. He noted that BCI will not accept all evidence to process.

Mr. Rohde advised that the Crime Lab charges a fee for out of county work, but there is no fee to the communities in Lake County. Chief Nosse stated that there would be a fee for processing evidence through BCI.

Chief Hutton stated that the Fire Department also utilizes the Lake County Crime Lab for arson investigations.

Mr. Rohde stated that the Lake County Crime Lab does not place limitations on the evidence they will process, but they do not have the personnel to keep up with the work or the equipment to run all the analogs. He noted that the DNA process is very expensive to run. Mr. Rohde noted that if there is a homicide in Lake County, BCI will run only five pieces of evidence.

Mr. Rohde stated that since December, he has identified twelve new fentanyl analogs, noting that they are being manufactured mainly in China, some in Mexico. He noted that Ohio has had the most opioid related deaths recorded than any other state. Mr. Rohde stated that when they identify a new analog, they advise law enforcement and the coroner.

Councilman Lesnick inquired if the Crime Lab receives State and Federal funding. Mr. Rohde advised that their funding is solely on the taxpayers; however, they do receive Federal and State grants to help with certain expenses.

Councilman Smolic inquired if there is a quick test to determine specific opioids as a cause of death. Mr. Rohde stated that if the substance has already been identified, the Crime Lab can identify it right away. He stated that if it is a newer drug, it may take a couple weeks to a few months to identify the substance. Mr. Rohde stated that in the case of an overdose, Narcan or Naloxone should be administered right away.

Councilman Lesnick inquired if the Crime Lab's predominant expense is labor or materials and equipment. Mr. Rohde stated that the vast majority of expense is labor; he noted that DNA testing is also very costly.

Mr. Rohde thanked Council for the opportunity to address them regarding their levy, noting that the Lake County Crime Lab is requesting any support that Kirtland can provide.

OLD BUSINESS:

ORDINANCE NO. 17-O-36
(Council President Umholtz)

- (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.

The legislation remains tabled.

OLD BUSINESS (continued):**RESOLUTION NO. 18-R-4
(Mayor Davidson)**

- (Tabled) - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH NORTHSTAR TOWERS LLC, FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATION FACILITY ON CITY PROPERTY, AND DECLARING AN EMERGENCY.

Council President Potter stated that Mr. Styles of Northstar Towers contacted him with regard to Council's questions and advised that he would send a revised contract to the Mayor. Mayor Davidson stated that he has not received a revised contract. In response to Council's question about the two percent rent increase, the Mayor advised that it will occur each year on the anniversary of the commencement date.

With regard to the potential contract, Council President Potter stated that Council's questions and concerns pertain to the right of first refusal, whether the two percent increase is every year or every five years on renewal of the agreement, and the lease term. Mr. Richards stated that he would be happy to discuss any changes that may be desired in the agreement, noting that if the Mayor directs him, he will contact the representative for Northstar Towers.

Mr. Potter stated that there is concern regarding the potential for the tenant to provide only a 30-day notice to terminate the lease, rather than a six-month notice. Mr. Potter stated that there is also concern about the right of first refusal, noting that the tenant would have first rights if the City property is ever sold. Noting that there is a procedure for negotiation, Mayor Davidson stated that Mr. Styles of Northstar Towers indicated in an e-mail that he will have his attorney review the agreement; the Mayor noted that he will also ask Mr. Richards to review it.

Mr. Lesnick inquired about procedure when Council has concerns about a contract that was negotiated. Mr. Richards stated that the contract is put before Council, and they have the option of voting for or against the contract. Noting that the goal is to resolve the concerns regarding interpretation of the terms in the contract, Mr. Richards stated that he needs to know what those issues are so he can discuss this with Mr. Styles, if the Mayor directs him to do so.

Discussion ensued, and it was noted that Council members still have questions that have not yet been answered. Council President Potter stated that he will follow up with the Mayor and Law Director with regard to getting those questions and concerns addressed.

The legislation remains tabled.

**ORDINANCE NO. 18-O-6
(Mayor Davidson)**

- (Third Reading) - AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2018.

Read by title only. Councilman Lesnick inquired about the road plan for the money that is appropriated for this year. Mayor Davidson stated that his intent is to address the two roads for which the City borrowed money, and use the remaining funds on Billings and/or Booth, using a combination of contracted work and internal work, based on availability and time. The Mayor noted that it would be valuable for Council and the residents to see a connecting road addressed and to see how far those dollars will go. The Mayor noted that this is contingent upon the road condition report from Mr. Catania and Mr. Kiefer.

Responding to Councilman Schulz, Mr. Catania advised that the length of Billings Road is 2.02 miles, and Booth is approximately one mile.

Councilman Smolic inquired if core samples have been taken on Billings. Mr. Catania stated that core samples were not done, noting that IAP of Columbus looked at the road a couple months ago.

OLD BUSINESS – ORDINANCE NO. 18-O-6 (continued):

Mr. Smolic inquired if there is any base work in the bid. Mr. Catania advised that there is a contingency for base work. Mr. Catania noted that the bid was for a 2-inch mill and fill; it excluded base work because there was too much snow on the ground at the time to look at it. Mr. Catania stated that they did not provide a price on the base work because it depends on the quantities.

Mr. Catania stated that he prepares a road plan every year; with the City Engineer's advice, and presents it to the Mayor. Mr. Catania stated that the Mayor receives input from him and the City Engineer regarding the prioritization of the roads, noting that the final road plan is the Mayor's decision.

Council President Potter stated concern about Council passing the appropriation without having a road plan, noting that Council members interact with the community on a regular basis and are asked about the roads. Mr. Potter stated that he understands that the funds are limited and that unforeseen circumstances can occur. Mayor Davidson advised that Route 306 will be done first, then Arborhurst and Singlefoot will be done; he advised that a portion of Billings and/or a portion of Booth will then be addressed, noting that it will be useful to put the remaining funds toward a connecting road that will impact the most people. The Mayor noted that the road levy does not generate enough funds and the money will not go far.

Mayor Davidson noted that Mr. Catania will provide an updated list of roads so the road plan can be finalized. He noted that he will share the plan with Council and that it will be posted on the City website.

Discussion ensued regarding the road plan. Concerns were expressed by Council members with regard to not having a road plan in writing prior to passage of the appropriation. Mr. Catania stated that he does not prepare the road plan for submission to the Mayor until the snow melts and they are done plowing, so he can see the condition of the roads after the damage from the winter freeze and thaw; then the road plan can be much more accurate. Mr. Catania noted that the prioritization of the roads to be repaired will not affect the amount of money that is being budgeted for the roads.

Councilman Skrbis suggested that a work session be scheduled in the near future for an in-depth discussion of roads.

Upon further discussion, Council President Potter requested the Mayor's help in allowing Council to pass the appropriation tonight with a commitment and guarantee of a full discussion relative to roads, funding options, and future planning for roads, so that Council and the Administration can move forward together.

Mayor Davidson requested that City Engineer Kiefer use Mayor Marcopoli's format for the five-year road plan, update it to provide hot mix asphalt for current roads, and present it to him so he can present it to Council, noting that he will authorize extra billable hours if needed. The Mayor noted that it will provide a professional product for Council that can be discussed with the residents.

Councilman Schulz noted that he has spoken with the other Council members, and that Council is willing to work to fund the plan.

Council President Potter noted that Council has proven that they will do what is necessary to get answers to questions that the residents are asking. Mr. Potter stated that he would like to pass the appropriation with the understanding that a road plan going forward is provided to Council, upon the commitment of the Mayor; then discussion can take place regarding funding of the roads and funding for day-to-day operations. Mr. Potter stated that work on economic development needs to follow, noting that the Mayor has already taken a step in this regard. He stated that it is necessary to fund the City government and move the City forward, and start discussing new revenue opportunities.

Mr. Schulz moved to adopt Ordinance No. 18-O-6, with the second by Mr. Kirek.

OLD BUSINESS – ORDINANCE NO. 18-O-6 (continued):

Councilman Lesnick inquired about the amount of funding that is designated for Route 306 and has to be done within the next six weeks. Mr. Martinet stated that the City's cost for State Route 306 is \$9,300. Mr. Martinet noted that there are discussions with the County Engineer regarding whether the City needs to borrow the \$500,000, which would be reimbursed to the City; he noted that the City will have to pay interest if it is necessary to borrow the funds. Mr. Lesnick noted that \$9,300 is needed now to not interrupt a major project; and he inquired about including in the budget for roads only the amount that is needed now, and waiting until the road plan is available to include the amount for the rest of the road budget. There was discussion regarding funds needed for upcoming work. Mr. Martinet noted that the appropriation provides the funding for its purpose for a period of time; it is not appropriated by line item.

Council President Potter noted that if Council passes the appropriation as presented, knowing that a road plan is forthcoming, there will be opportunity for discussion going forward. The Mayor stated that he has directed Mr. Kiefer to prepare a five-year plan, which will be presented to Council; and he will also present to Council the road plan for this year once he receives the recommended plan from Mr. Catania and Mr. Kiefer. The Mayor stated that the level of complication by slicing the appropriation is not beneficial. Mr. Lesnick stated that he believes greater detail of discussion is needed with regard to the roads.

Council President Potter stated that his recommendation is to pass the appropriation with the commitment that has been provided, and Council will have the opportunity for scrutiny and analysis of the road plan. Mr. Potter noted that it would be best to avoid complication in the appropriation and avoid the possibility that some work may not get done because it is not yet appropriated. Councilman Lesnick stated that he does not feel that he has all the answers he needs, but he understands the Council President's concern about holding back appropriations. He stated that he hopes Council receives the information requested going forward, noting that the City must do better on the roads. Councilman Skrbis stated that he is confident in the commitment that has been made to Council regarding the road plan. Councilman Lowery stated that he looks forward to working closely with the Administration to move the City forward. Councilman Schulz stated that he is in favor of giving the Mayor the tools that he needs to do the job he has been elected to do.

Voting began on the motion to adopt. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY; VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 18-R-7
(Mayor Davidson)

- **A RESOLUTION AFFIRMING THE ADOPTION OF ORDINANCE NO. 17-O-25 RELATING TO THE NORTH ROUTE 306 CORRIDOR COMMUNITY REINVESTMENT AREA IN THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**

Read by title only. Mayor Davidson noted that the timing of the agreement with the School caused some delay in getting the documents to the Ohio Development Services Agency; therefore, in order to receive the CRA certification, it is necessary that Council affirm that the CRA Ordinances were previously adopted. Mr. Schulz moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

NEW BUSINESS (continued):

RESOLUTION NO. 18-R-8
(Mayor Davidson)

- A RESOLUTION AFFIRMING THE ADOPTION OF ORDINANCE NO. 17-O-26 RELATING TO THE SOUTH ROUTE 6 CORRIDOR COMMUNITY REINVESTMENT AREA IN THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK AND LOWERY. VOTING NAY: NONE).**

RESOLUTION NO. 18-R-9
(Mayor Davidson)

- 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, 2018 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED, AND DECLARING AN EMERGENCY.

Read by title only. Finance Director Martinet advised that this relates to the OPWC loan that is paid twice per year; he noted that the legislation can receive three readings. The legislation was placed on First Reading.

RESOLUTION NO. 18-R-10
(Mayor Davidson)

- 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, 2018 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only. Finance Director Martinet advised that this relates to the bond payment and the USDA loan; he noted that the legislation can receive three readings. The legislation was placed on First Reading.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Potter stated his appreciation for Council, the Mayor and Department Heads working together on the appropriation.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Lowery moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 9:05 p.m.

President of Council

Clerk of Council