

KIRTLAND CITY COUNCIL MINUTES

June 18, 2018

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

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 JUNE 4, 2018 WORK SESSION:

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 5/0/1 (VOTING YEA: SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

MINUTES OF THE JUNE 4, 2018 COUNCIL MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that a fatal fire occurred a couple weeks ago, noting that the cause is undetermined and still under investigation, but it appears to be accidental.

Chief Hutton stated that the new engine is on track for August.

Chief Hutton advised that the Fire Department received the Ohio Bureau of Workers' Compensation safety grant, which will provide a new washer and extractor for Station 2, along with gloves and hoods better suited for firefighters' exposure to different types of cancers.

Police Chief Lance Nosse noted as a reminder that the marathon will be held June 24. Chief Nosse stated that the Strawberry Festival was a success this past weekend, with few issues.

Chief Nosse stated that the Department should receive the new Police Department vehicles in mid-July.

Council President Potter thanked Chief Hutton and Chief Nosse for their Departments' work during the Strawberry Festival. Answering Councilman Smolic, Chief Nosse stated that the kids enjoyed their ride-along during the parade, noting that their families were very appreciative. Answering Councilman Lowery, Chief Nosse stated that other than some minor issues with juveniles, there was nothing out of the ordinary that had to be handled by the Police Department during the Strawberry Festival.

Service Administrator Carm Catania advised that the new F550 has been ordered and the Department will hopefully have it by mid-September.

DEPARTMENT REPORTS (continued):

Mr. Catania stated that the Department is continuing with patching and ditch work, and they hope to start work on Arborhurst and Singlefoot in mid to late July. He stated that a letter is being sent to the property owners notifying them of the upcoming work. Responding to Mr. Smolic regarding the time frame, Mr. Catania stated that he hopes it will be no more than two weeks per street, weather permitting.

Answering Mr. Lesnick, Mr. Catania stated that he is putting together some numbers for the Mayor for Booth and Billings, depending on the remaining funds in the budget. Mr. Catania noted that the asphalt plants opened two weeks later this year due to the weather.

Answering Mr. Smolic, Mr. Catania stated that last year he received a price of approximately \$500,000 for milling and chip seal for Billings, not including any base work.

City Engineer Philip Kiefer advised that the pre-construction meeting was held this morning for the SR 306 resurfacing project. He noted that the contractor is planning to start work on July 18; they plan to do base repair and intermediate work on one-half of the City before they do the other half. Mr. Kiefer noted that once all the intermediate is down, they will do a final surface. Answering Council President Potter, Mr. Kiefer stated that the contractor (Karvo Paving) plans to start at the north end. Answering Mr. Lesnick, Mr. Kiefer advised that Karvo Paving will coordinate the ramps through a sub-contractor; he noted that they plan to do the ramps once the intermediate layer is down. Mr. Lesnick stated that during budget talks, it was his understanding that the City's in-kind work would include the drainage and ramp work. Mr. Kiefer stated that the City is doing the drainage work – storm sewers at the south end of SR 306.

Council President Potter stated that he received a call last week regarding a logging project on Chardon Road, across from the Community Center. He noted that it appears there has been a good amount of clearing, and he inquired about the procedure for issuing permits, monitoring and inspecting. Mr. Kiefer stated that the logger is asked to submit a logging plan to Lake County Soil & Water, and they monitor the work. He noted that the logger completes a form provided by the State. Mr. Kiefer stated that if the work will be in a riparian area, it is discussed at a Planning and Zoning meeting before the work begins. Mr. Kiefer stated that he and Mr. Catania can look at the property in question.

Council President Potter inquired about the status of the gas easement on Russellhurst Drive Extension. Mr. Kiefer advised that the Law Director is working on it.

Councilman Lesnick inquired if there is an update from Lake County Health Department regarding inspection of the septic systems, noting that it is not known how many septic systems have been inspected and how many have issues. Mr. Kiefer stated that it is his understanding that the Lake County Health Department will send letters to all residents in the old town area (Maple, Joseph, Fairview, Fairidge, Timothy, Elm, Coudry and Bluff, and also including Eisenhower and Saxon). Mr. Kiefer stated that the Health Department needs to get a better idea of how many septic systems are failing. There was discussion regarding letters that were sent previously regarding testing of septic systems. Mayor Davidson stated that the City would like to have as close as possible to 100 percent of the systems tested, noting that he will encourage the residents to participate so the City will have information that is as complete as possible. The Mayor stated that Mr. Kiefer has been investigating other grant opportunities, noting that the City participates in the CDBG (Community Development Block Grant) program. Mayor Davidson noted that residents will also be encouraged to participate in an income survey.

Responding to Councilman Lowery, Mr. Kiefer stated that there is no deadline for the Health Department to do the testing, noting that it might take six to eight months to test the whole area. Mr. Kiefer stated that he does not believe there is any reason to have another public meeting until the City receives those answers. Mr. Kiefer noted that the USDA and CDBG grants are based on income. He stated that he and Jennifer Brown of CT Consultants will be meeting with representatives of the USDA to discuss the Temple View project and the old town area. Discussion ensued in this regard.

DEPARTMENT REPORTS (continued):

Noting that the EPA has mandated inspections for all septic systems, Councilman Lesnick stated that it is in the City's best interest to have a Utilities Standing Committee meeting to determine what needs to be done in this regard. Upon agreement of the Utilities Standing Committee, a meeting was scheduled for July 9, 2018 at 5:30 p.m.

Finance Director Keith Martinet advised that the City's effective rate will be 1.85 percent for the bond anticipation notes, noting that 2 percent was estimated. He stated that the paperwork will be finalized this week, noting that the money comes in on Wednesday and the other notes will be paid off on Thursday.

Mr. Martinet stated that he is in the process of reviewing the 2017 compiled financial statements, noting that he will distribute it to Council. Mr. Martinet advised that the May financial statements will be available next week, noting that the summary report will be provided to Council in paper format, and the detail will be provided in pdf format.

Law Director Daniel Richards did not present a formal report. Answering Council President Potter, Mr. Richards stated that he is working on the gas easement for Russellhurst Drive Extension. Mr. Richards suggested that once a draft is prepared, the City should hold an informal meeting with the residents that will be affected along that street to review the documents and provide their questions and comments; he noted that the residents may want to have the document reviewed by an attorney. Mr. Richards stated that a draft should be ready before the end of the month, noting that the process of securing the title work has been done.

Mr. Richards stated that one of his concerns has been the width of the easement. He noted that it is only 20 ft., with 15 ft. of pavement, leaving 2-1/2 ft. for utilities on either side. Mr. Richards stated that after talking with Mr. Kiefer, it is his understanding that there is a means by which the utilities can bore under and not interfere with the pavement.

Mr. Richards stated that the Planning and Zoning Standing Committee has put a lot of work into reviewing the off-street parking ordinance draft.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated that he concurs with the Law Director, commending Councilman Lowery for his work on the off-street parking ordinance.

The Mayor advised that Legion Post 609 will hold a "Light the Flag" ceremony on June 19 at South Cemetery, noting that it is a great combination of the efforts of community organizations, donors and the City to illuminate the flag in accordance with code.

With regard to the upcoming activities of the Gazebo Green Music and Movies, Mayor Davidson stated that it is a combination of efforts of the Friends of the Library, the City and NOPEC to fund the Gazebo Green activities. He noted that NOPEC has a specific fund to donate back to the community, based on its participation in NOPEC. The Mayor stated his thanks to the Library Director, Kent Packer, Helen Petersburg and all who were involved in advertising the events.

Mayor Davidson requested Council's assistance with names for the Boards associated with the CRA. He noted that for the County Commissioners' appointments, typically the City provides suggestions to the County Commissioners.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Davidson stated that he attended the annual mandatory luncheon meeting of Lake County Safety Council on Friday, noting that attendance provides the City with two percent savings on health care.

The Mayor stated that he has a scope of work with CT Consultants on the pavement condition rate report and road plan, which is similar to what was in the legislation discussed at the Standing Committee meeting.

Mayor Davidson stated that the Fiscal Task Force report is posted on the City website, noting that the additional reports will be posted shortly.

The Mayor stated that Finance Director Martinet participated in the OMAT process, which allows the City to partner with the State to get their bond rating, saving the City \$4,000.

Noting that there are new developments on a potential fire service contract, Mayor Davidson requested an executive session in this regard before the adjournment of tonight's meeting.

Councilman Lesnick inquired when Council will receive the Fiscal Task Force reports. The Mayor noted that those reports are available and he will provide them by e-mail. Mayor Davidson stated that with the exception of one, all of the awards have been distributed to the Fiscal Task Force members.

Council President Potter stated that once the individual Task Force reports are received, Council can prioritize addressing those reports.

Responding to Council President Potter, Mayor Davidson stated that with Council's authorization, he signed the contract for the Economic Development Director. He noted that there was concurrence on a candidate by the Mayors. The Mayor noted that the other two cities also need to sign the contract once their City Councils have passed authorizing legislation.

With regard to the Tax Incentive Review Council, Council President Potter stated that he will provide the Mayor with the name of an individual he is recommending.

STANDING COMMITTEE REPORTS:

Councilman Lowery noted that following tonight's Council meeting, a meeting of the Planning and Zoning Standing Committee and the Utilities Standing Committee will be held to discuss alternative energy, and the Planning and Zoning Standing Committee will hopefully finalize the off-street parking ordinance. Mr. Lowery publicly thanked Law Director Richards for working with the Standing Committee on the ordinance. Mr. Lowery noted that the Planning and Zoning Standing Committee will also discuss Sections 236.07 and 236.09 relating to fees. Council President Potter thanked the members of the Planning and Zoning Standing Committee for their hard work on the off-street parking ordinance.

With regard to the Service Department Standing Committee meeting held after the last Council meeting, Councilman Smolic noted that he forwarded minutes to the Committee members for their review. Mr. Smolic suggested that a follow-up meeting be scheduled following the Council recess.

It was agreed that a Utilities Standing Committee meeting be held on July 9 at 5:30 p.m. to discuss new septic requirements.

STANDING COMMITTEE REPORTS:

Council President Potter mentioned that it was suggested that a Public Relations Standing Committee meeting be scheduled to discuss ideas for a new website with the Mayor, noting that the Mayor suggested that increased fees could support the cost of an upgrade.

Mayor Davidson advised that he will not be available for the July 9 Council meeting.

Councilman Lowery inquired if there is a record of tracking current fees that are collected. Mr. Martinet stated that he will provide a report that will include some details.

It was noted that a Police and Fire Standing Committee meeting has been scheduled for Tuesday, June 26 at 7:00 p.m.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Ron Fenstermaker, 8851 Billings Road, stated that at the last Standing Committee meeting, he was asked not to speak; he noted that he has been unable to find anything in the Charter or Ordinances that prohibits the public from speaking at a Standing Committee meeting. Council President Potter stated that it is customary that during the Standing Committee meetings, there is not a lot of "give and take" with the public; he noted that it is at the discretion of the Chair. Mr. Fenstermaker stated that during the Council meetings, Council invites residents to those meetings to speak. Law Director Richards stated that there is nothing in the Charter that states that a resident cannot speak at a committee meeting; he noted that the Chair would recognize an individual to speak if it is in order. Council President Potter stated that in the instance referred to by Mr. Fenstermaker, it was not an appropriate time for public comment.

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.

ORDINANCE NO. 18-O-17 - (Tabled) - AN ORDINANCE AMENDING SECTION 236.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO EXPENDITURES AND COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.
(Council President Potter)

Councilman Lesnick stated that at the last Standing Committee meeting, there was discussion about removing this Ordinance and including language in Ordinance No. 18-O-18. Mr. Skrbis moved to remove Ordinance No. 18-O-17 from the table, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 5/1 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER AND SKRBIS. VOTING NAY: SMOLIC).** It was noted that the legislation is now on Third Reading.

OLD BUSINESS – ORDINANCE NO. 18-O-17 (continued):

Mr. Skrbis moved to adopt, with the second by Mr. Lesnick. **ROLL CALL: DEFEATED 4/2 (VOTING NAY: LESNICK, LOWERY, POTTER AND SKRBIS. VOTING YEA: SMOLIC AND KIREK).**

ORDINANCE NO. 18-O-18 - (Tabled) - AN ORDINANCE AMENDING CHAPTER 236 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, BY ADDING SECTION 236.12 RELATING TO THE PROVISION OF AN ANNUAL ROAD PLAN, AND DECLARING AN EMERGENCY.
(Council President Potter)

The legislation remains tabled. It was noted that at a 6:00 p.m. work session on July 2, there will be discussion of the language that needs to be added to this Ordinance from Ordinance No. 18-O-17.

RESOLUTION NO. 18-R-30 - (Third Reading) - A RESOLUTION APPROVING THE SOLID WASTE MANAGEMENT PLAN UPDATE (APRIL 2018) OF THE LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT.
(Mayor Davidson)

Read by title only. Mr. Lowery moved to adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SKRBIS. VOTING NAY: NONE).**

ORDINANCE NO. 18-O-31 - (Tabled) - AN ORDINANCE ADOPTING CHAPTER 1468 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO ALTERNATIVE ENERGY.
(Council President Potter)

The legislation remains tabled. Council President Potter noted that this will be discussed during the Planning and Zoning Standing Committee meeting following tonight's Council meeting.

NEW BUSINESS:

RESOLUTION NO. 18-R-32 - A RESOLUTION ACCEPTING THE RE-SUBDIVISION PLAT OF BRADSHAW THORNE SUBDIVISION, SUBLOTS 9, 10, 11, 12, 13, 14 AND PARCELS A AND B.
(Council President Potter)

Read by title only. Councilman Lesnick stated concerns because of the uncertainty of whether this area will be affected by sewers; he noted that the septic systems will be affected by the new EPA regulations. Mayor Davidson stated that the gentleman who is a proponent for the legislation is at tonight's meeting; noting that he provided the additional documents to Council and may wish to speak.

Council President Potter requested that the City Engineer comment regarding the potential for sewers and how that would affect these properties. Mr. Kiefer stated that as far as it is currently known, the septic systems on these lots are working; with the re-subdivision, the septic tanks will be on the same properties as the houses they serve. Mr. Kiefer stated that there is no information on the location of the leach beds into which the septic tanks discharge, which may be a problem in the future. Mr. Kiefer stated that if sewers come down Eisenhower, the houses on Eisenhower will have to connect. He stated that eventually, when the septic systems for the homes on Saxon fail, they would have to tie in to the sewer, if there is a sewer. Mr. Kiefer stated that the alternative to sewers is to submit to the EPA a plan that all of the homes in that area will be converted to NPDES discharging systems, and it is not known whether the EPA will accept that. Mr. Kiefer stated that, at this time, there are not any known failing systems in that area.

NEW BUSINESS – RESOLUTION NO. 18-R-32 (continued):

Answering Council President Potter, Mr. Kiefer stated that if the leach fields transcend property lines, then in the future, property owners will have to either move the filter bed, if that would be allowed, or install a sewer.

Answering Councilman Smolic, Mr. Kiefer stated that none of the septic systems in this development have been tested recently.

Councilman Lowery stated that if the lots are not re-parceled, there will be challenges in the future. Mr. Lowery stated that he hopes that individuals who purchase these homes will be made well aware of the issues as they relate to either a failing septic system, timing of the sewers, and/or septic leach fields that are on somebody else's property.

Councilman Lesnick stated that the new septic system regulations require a mandatory point-of-sale inspection, which will be in effect in one year.

Council President Potter stated concern about potential buyers if they later find out that a neighbor's leach lines come onto their property.

David Novak of Barrington Consulting Group stated that they could potentially sell the houses today, as the houses on top of the hill could be sold where there is potential for sewers. Mr. Novak stated that they have done as much as possible to determine the location of the septic systems. He stated that he dropped off a booklet this afternoon for each Council member, noting that there is some as-built information included. He noted that they have investigated the location of the septic tanks visually and they have also talked to Cole Septic, who has been maintaining the septic systems on these lots for the last 30 years.

Mr. Novak stated that a reciprocal easement can be added, in the event that one of the filter beds does cross a property line, to allow for the repair and maintenance of that system. He noted that if the septic system failed and could not be repaired, the owner would put in a new system on their particular lot.

Referring to the booklet he provided, Mr. Novak stated that the drawing labeled "preliminary plan" depicts the location of the houses and the septic tanks based on the information that they have ascertained. Mr. Novak stated that they do not know for sure the location of the filter beds, but it does not make sense to dig up a septic system.

Mr. Novak stated that there are septic systems only for the lots at the western end, noting that the houses along Route 306 are currently connected to the existing sanitary sewer on Chillicothe Road.

Answering Councilman Smolic, Mr. Novak stated that currently, a septic point-of-sale inspection is not required in Lake County.

Mr. Novak provided a sample sales disclosure statement, noting that they are disclosing the fact that these lots potentially may be required to tie-in to a sanitary sewer at some future date if the sewer comes down Eisenhower. Mr. Novak stated that, as noted in the booklet, there is an approval process for an NPDES system. He noted that there are currently three NPDES systems that have already been installed in that neighborhood, so the history demonstrates that they could be approved.

Answering Councilman Smolic, Mr. Novak confirmed that the houses are currently all rentals. He noted that there are fifteen houses total, with six of those houses along Route 306. Mr. Novak stated that, to the best of their knowledge, all of these septic systems are functioning and have received routine maintenance by Cole Septic.

NEW BUSINESS – RESOLUTION NO. 18-R-32 (continued):

With regard to the parcels on Route 306, Mr. Novak stated that he had lengthy discussions with Randy Rothlisberger of the Lake County Department of Utilities. He stated that the four houses south of Eisenhower are currently on one parcel and the two houses north of Eisenhower are currently on one parcel. Mr. Novak stated that the Lake County Department of Utilities rules allow only one service connection per parcel. He noted that currently the four houses south of Eisenhower are on one service connection, and the two houses on the north side of Eisenhower are on one service connection. He stated that the sewer for the two houses north of Eisenhower is on the west side of Route 306, so the connection would simply need to be split for two houses. Mr. Novak stated that for the four houses on the south side of Eisenhower, the Department of Utilities will allow them to install a manhole and four tees to tie-in each of those houses. Mr. Novak stated that if the sanitary sewer comes down Eisenhower, then one of the four houses on the south side of Eisenhower would keep the existing connection; he noted that there is a proposal in the booklet for connecting the other houses through a series of easements through the front yards and connecting from Eisenhower. He stated that for the houses on the north side of Eisenhower, if the sewer comes through another connection will be put in.

Councilman Lesnick inquired if there is any resistance to having all of these septic systems inspected by the County now. Mr. Novak stated that he cannot speak for the owner in that regard. He noted that he believes the Lake County Health Department would give the property owner time to repair the system, knowing that there may be a sewer installed.

Answering Council President Potter, Mr. Novak stated that according to the power point presentation, the cost of the sewer would be \$30,000 to \$35,000 per home. He noted that a cost analysis showed that putting in an NPDES system, with the cost of maintenance and other costs included, would be approximately the same cost over a 20-year period.

Councilman Lowery inquired if a potential purchaser will know that if a sewer comes down Eisenhower, they will have to tie-in, and the potential cost. Mr. Novak stated that they are doing the best they can to disclose that information in the purchase agreement. He noted that someone could purchase a house at the top of the hill without knowing that there is potential for a sanitary sewer. Mr. Novak stated that all they are trying to do is re-align these lots; he noted that currently some of the property lines go through the middle of existing houses.

Discussion ensued with regard to septic inspections and protecting future purchasers. Mr. Novak noted that some of these houses are vacant, and an inspection needs to be done while someone is living in the house and the system is being used. Answering Mr. Lesnick, Mr. Kiefer stated that he does not believe the County is charging the residents for the inspection. Mr. Novak stated that they have seven pending sales, and he does not know how long it would take to get inspections done.

Mayor Davidson stated that he greatly appreciates Council's intent to protect future residents and he concurs with protecting them and making sure they are aware. The Mayor noted that it will be on the disclosure form and may be requested in the lending document. He stated that he appreciates the amount of detail that was put into the plan for the Planning and Zoning Commission review. The Mayor noted that every home in Kirtland with a septic system is subject to the rules of the Lake County General Health District and the Ohio EPA. Mayor Davidson stated that the re-subdividing of the lot lines was approved by the Planning and Zoning Commission. He noted that for the septic system the jurisdiction is largely with the Health Department. He noted that Mr. Novak has provided some reassurance that the future purchasers will be aware of the potential sewer.

Council President Potter inquired if the re-subdivision will precipitate the sewer project becoming more necessary. Mr. Kiefer confirmed that it will not. Answering questions from Council, Mr. Richards stated that the City does not have liability for the septic systems.

NEW BUSINESS – RESOLUTION NO. 18-R-32 (continued):

Council President Potter stated that Council is looking to mitigate the risk to potential homebuyers; although he noted that anytime someone purchases a home they are subjecting themselves to potential unknowns. Further discussion ensued in this regard. Councilman Skrbis stated that he would like to separate the septic issue from the re-subdividing of the lot lines. Councilman Lowery noted that the Planning and Zoning Commission did a wonderful job looking into this matter.

Mayor Davidson stated that with new owners, he believes there will be some investment going into those properties, which will be good for the City. The Mayor stated that it has been indicated to Council that there will be disclosures. He noted that the septic systems are under the jurisdiction of the Lake County Health Department, and the houses will eventually either have a sewer or a compliant septic system. The Mayor stated that if it pleases Council, he believes it would be in the interests of the community to waive the three readings in order to allow the sales transactions to go forward. Noting that vacant buildings attract negative activities, the Mayor noted that it would be beneficial to have the homes purchased and occupied.

Councilman Lesnick stated that he believes Council should know whether the leach lines cross property lines as part of the inspections. He stated that there have been discussions regarding sewer inspection in the old town area, noting that the inspections are free. He stated that Council should make sure the septic systems are working properly before subdividing the lots.

Councilman Skrbis stated that, looking at the houses on the west side of the development, there will still be the same number of homes and the same number of septic systems.

Councilman Kirek questioned whether it is the seller's responsibility or the buyer's responsibility to make sure the septic system is functioning.

Noting that the City is not legally responsible for the septic systems, Councilman Lowery stated that he does not believe there is a difference with regard to lots being sold at the bottom of the hill and lots being sold at the top of the hill.

Mayor Davidson noted that regardless of when homes are sold, the City would still like to have 100 percent participation in testing of the septic systems.

Mr. Skrbis inquired about the effect if Council waits two weeks to approve the re-subdivision. Lisa Sisko, the realtor for the lots, stated that they have a buyer that has been waiting a few months, and his rate lock extension is expensive and is different from that which he originally locked in. She stated that if this is delayed for two weeks, there is potential for the rate lock extension to increase. Responding to Mr. Smolic, Ms. Sisko stated that they have provided a disclosure for the potential for sanitary sewers and assessments for the houses at the west end of Eisenhower, and a disclosure for potential future tie-in fees for the houses along Route 306.

Noting that the City cannot mandate that the septic systems be tested, Council President Potter inquired what would change in the next two weeks. Mr. Lesnick stated that he is not opposed to the re-subdividing of the lots, but he is concerned about the public health issues; he stated that before he can approve the re-subdivision, he needs to know that there are no septic problems.

Mr. Kirek moved to waive the three readings. Mr. Skrbis stated that the number of septic systems and the number of testings will not change, noting that the re-subdivision will re-align the lot lines so that each house stands independently. Mr. Smolic provided the second to the motion to waive the three readings. **ROLL CALL: MOTION CARRIED 5/1 (VOTING YEA: SMOLIC, KIREK, LOWERY, POTTER AND SKRBIS. VOTING NAY: LESNICK).**

NEW BUSINESS – RESOLUTION NO. 18-R-32 (continued):

Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Kirek. Mr. Skrbis noted that it is not often that Council will waive the three readings; he noted that the Planning and Zoning Commission's diligent review of the matter is a factor in the decision. **ROLL CALL: ADOPTED 5/1 (VOTING YEA: SMOLIC, KIREK, LOWERY, POTTER AND SKRBIS. VOTING NAY: LESNICK).**

RESOLUTION NO. 18-R-33 - **A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2019.**
(Mayor Davidson)

Read by title only and placed on First Reading.

RESOLUTION NO. 18-R-34 - **A RESOLUTION ACCEPTING THE BID OF BADGER TRANSFER LLC, FOR THE SR 306 CULVERT EMERGENCY REPLACEMENT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Councilman Lesnick inquired why only three days were given to bid, and why only one specific weekend day was allowed to close Route 306. Mr. Kiefer stated that the bids did not go out until Monday, and they had to be received by noon on Thursday in order to get legislation in Council's packets. Mr. Kiefer stated that for safety reasons, he would like to keep the road closed as short as possible, and he wanted to leave July 14 open as a possible rain date in case it cannot be done on July 8. Mr. Lesnick inquired why those specific dates were chosen. Mr. Kiefer stated that he would like the road to be closed on a Saturday night, rather than on a week day. Mayor Davidson stated that the timing of the work is also factored by the paving of Route 306.

Mr. Lesnick stated concern about boxing the contractors into a tight space as far as the bid return time and specific dates on the weekend, noting that this may prevent the City from getting enough bids. He noted that it took over four weeks to create the package, and they were given only three days to bid. Mr. Kiefer stated that they called a lot of contractors, and a lot of them said they were too busy and to not bother sending a package. Mr. Kiefer stated that twelve bid packages were sent out, and two bids were received.

Answering Mr. Smolic regarding the length of time the City has known about this, Mr. Catania stated that he went out and looked at this in April. Mr. Smolic stated that he has e-mailed his concerns with regard to the vendor.

Mayor Davidson noted that Mr. Catania was not involved in the bidding of this job or the selection of the bidders. The Mayor noted that this is being done with Lake County Stormwater Management Agency funds. He stated that this is an important repair, and the timing is important because of the relationship to the paving. The Mayor requested Council's consideration and approval to give the maximum time to the contractor to get the work done.

With regard to the funding, Mayor Davidson stated that the taxpayers pay into the Stormwater Management fund; those funds are held for Kirtland by the County, and the City applies for those funds. He noted that when the project is of significant importance and qualified, then Mr. Miller of Lake County Stormwater Management sends a letter stating what level they will fund the project. The Mayor noted that it is fairly critical that this project be accomplished because of the high-speed road and the timing of the resurfacing. Answering Mr. Lesnick, Mayor Davidson stated that funds for this project are already committed by Lake County Stormwater; it is not being funded by the General Fund.

Councilman Lesnick stated that when the money for a project is coming from other than the General Fund, it would be helpful for Council to know that up front.

NEW BUSINESS – RESOLUTION NO. 18-R-34 (continued)

Mr. Lesnick moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 5/1 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER AND SKRBIS. VOTING NAY: SMOLIC).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Lowery. Responding to Mr. Lowery, Mr. Kiefer stated that this work will be done before Route 306 is resurfaced. **ROLL CALL: ADOPTED 5/1 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER AND SKRBIS. VOTING NAY: SMOLIC).**

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CONTINUING CONCERNS:

Mayor Davidson requested that Council suspend its rules and go into executive session after public comments to discuss fire service contract negotiations.

Mr. Skrbis moved to suspend the rules of Council in order to convene into executive session following public comments. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SKRBIS. VOTING NAY: NONE).**

COUNCIL COMMENTS:

Council President Potter inquired of Law Director Richards the appropriate procedure to establish a special committee for the purposes of economic development. Mr. Richards advised that the President of Council can appoint the Committee. There being no objection from Council, Mr. Potter appointed the Council-as-a-Whole as a special Committee, with the intent of establishing a Standing Committee at the end of the year, for the purpose of working with the Economic Development Manager and Planning and Zoning; the Council President will chair the special Committee until the time that a Standing Committee is established.

PUBLIC COMMENTS:

None.

ADJOURN INTO EXECUTIVE SESSION:

Mr. Lowery moved to adjourn into executive session to discuss fire service contract negotiations, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SKRBIS. VOTING NAY: NONE).** The executive session convened at 9:15 p.m.

RETURN TO REGULAR SESSION:

Mr. Skrbis moved to adjourn the executive session and reconvene the regular session of Council, with the second by Mr. Lowery. The motion passed by unanimous vote at 9:59 p.m.

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 10:00 p.m.

President of Council

Clerk of Council