

KIRTLAND CITY COUNCIL MINUTES

September 5, 2018

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: David Kirek, John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz and Robert Skrbis. Absent: Joseph Smolic.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer and Fire Chief Anthony Hutton. Police Sergeant Jamey Fisher was present in the absence of Police Chief Lance Nosse.

MINUTES OF THE JULY 30, 2018 ECONOMIC DEVELOPMENT STANDING COMMITTEE:

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

MINUTES OF THE AUGUST 20, 2018 WORK SESSION:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Lesnick stated that a correction is needed in the first sentence of the fifth paragraph on page 1; he noted that the language "the revenue opportunity is not large" should be corrected to read "there is no revenue opportunity". Mr. Schulz moved to amend the minutes as noted, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, KIREK AND LESNICK. VOTING NAY: NONE).** Mr. Schulz moved to approve the Minutes, as amended, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, KIREK AND LESNICK. VOTING NAY: NONE).**

MINUTES OF THE AUGUST 20, 2018 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton stated that the monthly report has been distributed. Chief Hutton advised that the new fire engine is now in front-line service, noting that the yellow truck was sold on GovDeals.com.

Police Sergeant Jamey Fisher advised that the statistical report has been distributed. He noted that responses to Council's questions were e-mailed today.

Council President Potter inquired about the last few days of the road project (Route 306). Sergeant Fisher stated that he believes the Police presence has helped to control the traffic. He noted that the curb work is being finished, then the contractor will come back and do the final coat of asphalt. Mr. Potter stated his appreciation to the officers.

DEPARTMENT REPORTS (continued):

City Engineer Philip Kiefer advised that his monthly report for August has been distributed.

Mr. Kiefer stated that he was unable to obtain more definitive information regarding the timing of the final course of asphalt on Route 306, noting that the scheduling is up to the contractor; he noted that there is a deadline of October 26. He noted that once the contractor starts the final course it will take approximately five days. Answering Council President Potter, Mr. Kiefer stated that the paving will start after 9:00 a.m., which means they will extend the work later into the day. Mr. Kiefer stated that the school plans to allow the seniors to leave 10 minutes early so the busses can get back for the younger students.

Councilman Lesnick inquired about the culvert at Chapin Forest, noting that it appears some of the material has washed away; he stated concern that it will further deteriorate. Mr. Kiefer stated that he spoke with Mr. Catania in this regard, noting that he should have some sandstone block to hold that up. Mr. Lesnick stated that it appears the guardrail is not secured to anything.

With regard to Fox Hill drainage, Mr. Lesnick stated that he believes the issue is larger than what appears at the end of the street. He noted that there is obviously a problem with the capacity of the culverts to handle the drainage. He noted that the size of the sinkhole is increasing. Mr. Lesnick stated that he has a video, which he will send to Mr. Kiefer. Discussion ensued in this regard.

Council President Potter referred to a recent e-mail pertaining to a drainage issue on Raccoon Hill, noting that a resident, Bill Fisher, sent a video. Mr. Kiefer stated that there was another complaint on South Raccoon. Mr. Kiefer noted that the drainage for these two issues does not follow the same path. Mr. Kiefer stated that he can advise the City how to provide a fix, but the City would have to come up with the manpower and the money to do so.

Mayor Davidson stated that there is an extensive list of drainage issues, noting that they have to be prioritized with the City's other work. He noted that the City will work with the resident to the maximum extent possible to get the issues resolved; in some cases, it is the City's responsibility, and in other cases, it is the homeowner's responsibility. With regard to Mr. Fisher's issue, the Mayor stated that he has discussed this with Mr. Kiefer and Mr. Catania, and the City is looking into the situation. The Mayor noted that he would like to hear from Mr. Fisher during public comments.

Councilman Skrbis inquired if the timing of the traffic lights has been changed during the construction work on Route 306. Mr. Kiefer advised that the contractor cuts through the loop detectors during grinding of the pavement, which results in the controller going to the default mode until the loop detectors are re-installed. Responding to Mr. Potter regarding manually resetting the lights, Mr. Kiefer stated that the City would have to contact Signal Services. Mr. Lesnick inquired if the lights can be set on a timer to flash late at night. Mr. Kiefer stated that it depends on the age of the control system. Mr. Kiefer noted that the traffic lights at the Route 6 and 306 intersection are controlled by cameras, so they have not been affected.

Council President Potter inquired if there is a resolution with regard to the work being stopped on the former Kirtland Car Company property. Mr. Kiefer stated that Mr. Catania finished dumping the concrete from Singlefoot and Arborhurst; he noted that the EPA requested a letter advising what was done, and the letter was sent out this past Friday. Mr. Kiefer stated that the letter mentions that the property owner wants to continue to fill in the ravine somewhat. Answering Mr. Potter regarding additional fill, Mayor Davidson stated that the City used the property strictly for purposes of the demolition of the two roads, to benefit the City, and if the property owner wants to continue to fill, he will need to get a permit if he brings in more than 25 yards.

Councilman Lesnick inquired if there was a permit for the filling on the property. Mr. Kiefer stated that if there is additional filling, the property owner will need to prepare a site plan that shows the proposed grade. Mr. Kiefer advised that a permit was not needed for the City project.

DEPARTMENT REPORTS (continued):

There was discussion regarding dumping that was already done on the property without a permit by the property owner's contractor. Mr. Lesnick referred to two other instances where the City is pursuing matters involving filling without a permit.

Responding to Mr. Potter, Mr. Kiefer stated that the City has not heard back from the EPA. There was discussion regarding the procedure for approval or disapproval of additional filling on the property. Responding to inquiries from Mr. Lesnick, Mr. Richards stated that he will need to look at this matter in detail before providing a legal opinion; he noted that he will provide an opinion at the next meeting if he receives all of the necessary information.

Councilman Schulz noted that he mentioned at the last meeting that, during heavy storms, a lot of water spreads out on the pavement by Bertha's Gallery. Noting that it is probably not in the scope of work for the paving project, Mr. Schulz inquired if the City Engineer has had a chance to look at it. Mr. Kiefer stated that he passed the information on to the County; they looked at it and believe that some grading will work to get the water off the road. Mr. Kiefer noted that it is not part of the contract, but it should be fairly easy for the Service Department to address this, and the work can go toward the City's in-kind contribution.

Councilman Lowery inquired about the progress on Arborhurst and Singlefoot and whether it is on budget. Mayor Davidson stated that he spoke with Mr. Catania, and weather permitting, they are hoping to finish the binder on the second street and have the surface course done next week. The Mayor stated that he will provide information on the numbers after the final calculation.

Mr. Lesnick inquired about soil stabilization as it relates to the road base. Mr. Kiefer stated that the City could consider purchasing a full-depth pavement reclamation machine. There was discussion regarding the work done on Singlefoot.

Finance Director Keith Martinet advised that he distributed two reports that were requested at the last meeting, noting that the first is an e-mail from RITA in response to a request from Council President Potter, breaking down the change to the tax rates if the credit is changed. Mr. Martinet noted that it takes a few years to realize the benefit of changing the tax credit. Discussion ensued in this regard.

Noting that Councilman Lesnick inquired where the City stands on the road spending, Mr. Martinet stated that he prepared a report a couple days after the last Council meeting. He noted that the report includes the amount spent so far in three major categories – roadways, storm drainage, and signals and markings. He noted that \$245,000 has been spent, and there are purchase orders for \$216,000, which leaves another \$200,000 of funds available. Mr. Schulz inquired about engineering fees; Mr. Martinet advised that he will provide that figure.

Law Director Daniel Richards did not present a formal report. Council President Potter inquired about the gas extension easement on Russellhurst Drive Extension. Mr. Richards stated that the Mayor has been in touch with Dominion, and it is his understanding that they are in the process of working out a mutually convenient time to meet with the residents that are willing to participate. Mr. Richards stated that once Dominion has had a chance to answer questions from residents, then the residents can make a decision as to whether they wish to legally obligate themselves by entering into an agreement for the purpose of making the easement available. Mr. Richards stated that Dominion wants to make sure that it has control over the design of the easement. Mr. Richards noted that there may be some reservations about opening up the easement for more than just gas, but it should be considered. Mr. Richards stated that the City has been waiting to get unanimous support to make it more attractive for Dominion to put this type of program together. Mr. Richards stated that the meeting between the residents and Dominion should be held at a City building to better accommodate the residents.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson advised that Chief Nosse is continuing his education through the Police Executive Course, noting that he has extensively answered questions from Council with regard to Dispatch (shared by e-mail). The Mayor noted that detailed conversation will be held at the Police and Fire Standing Committee meeting on September 17.

With regard to the Chagrin River bank stabilization project, Mayor Davidson stated that legislation will be forthcoming. The Mayor noted that this is an Ohio EPA 319 Grant, with \$150,000 coming from the State and \$100,000 coming from Lake County Stormwater Management. He noted that this is a design-build contract, and there is a selection committee composed of Holden Arboretum, Chagrin River Watershed Partners, Lake County Stormwater Management, and the City Engineer. The Mayor stated that when this legislation comes before Council, he will request that Council waive the three readings and declare an emergency, noting that there are timing issues as a result of the many agencies working together.

With regard to Singlefoot and Arborhurst, Mayor Davidson stated that it is expected that the binder course will be done this week and the surface course next week.

Mayor Davidson stated that on Saturday, the entirety of Council has been invited to tour the Health Technologies Center at Lakeland Community College.

The Mayor advised that work is continuing with the radio station to get a lease agreement in place. He stated that although there is no revenue, the value is in the advertising.

Mr. Lesnick stated that during the budget review process, it was indicated that there would be a more detailed accounting system for money spent on roads and sewers, etc. Mayor Davidson stated that there will be a complete breakdown of the paving project, noting that all work conducted by the employees of the Public Works Department is categorized by task, noting that the detail is available.

Responding to Mr. Potter, Mayor Davidson stated that once the final numbers are available, the City can contract as much of Booth and/or Billings that can be done; he noted that it will come before Council in accordance with the recent ordinance that was adopted. Mr. Lesnick inquired if the bridge on Booth would be included. Mr. Kiefer stated that it is the County's responsibility to maintain the bridges, noting that they have posted a load limit. Mr. Kiefer stated that the County prepares a report on all the bridges, noting that they are replaced when needed. Mr. Lesnick stated that there appears to be wood planking under the bridge on Booth Road. Mr. Schulz noted that if the County Engineer deemed the bridge unsafe, it would be closed; he stated that by law they inspect the bridges because it is their structure. Mr. Lesnick inquired about paving over the bridge. Mr. Kiefer stated that the City would probably not pave over it; there would be a transition.

Mr. Lowery stated that two weekends ago he spent an afternoon at the Community Center with the Cerebral Palsy Foundation for a car show. Mr. Lowery stated that the building was closed, so they did not have access to the restrooms. Commenting on the condition of the property, Mr. Lowery stated that the porta-john needs to be removed, the curbs were broken, the island was cluttered with weeds and overgrowth, and the grass was overgrown. Mr. Lowery stated that two members of the Foundation commented that they would not come back. He inquired who is responsible for the condition of the property, and he noted that there have been past discussions about providing bathroom facilities. Mayor Davidson stated that he will have to look into this. The Mayor stated that there is currently a porta-john, and the City is looking into providing bathrooms outside of the Community Center building, along with looking into pickleball courts. He stated that these projects are being considered for the seniors, noting that there is money available in the senior funds that can be used for capital improvement. There was brief discussion about use of the Community Center property.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mr. Potter stated that a few meetings ago, he asked Mr. Catania to look into the condition of the porta-john, noting that there is no lock. Mayor Davidson stated that he will look into the frequency of service.

Council President Potter suggested that it may be beneficial to have the Recreation Department Director attend one Council meeting per month or every other month to address these types of questions.

STANDING COMMITTEE REPORTS:

Councilman Lowery advised that the Planning and Zoning Standing Committee met before tonight's Council meeting, noting that a representative from CT Consultants was present, along with members of the Planning and Zoning Commission, to discuss the concept and development of an architectural review board and architectural review guidelines. He noted that Economic Development Manager Monica Drake also attended the meeting, and there was good discussion and progress is continuing.

With regard to the Service Department Standing Committee, Councilman Lesnick noted that representatives from SME gave a presentation and an informal proposal on a different method of evaluating the roads. Council President Potter noted that the presentation was given during Council's work session prior to tonight's regular Council meeting.

Councilman Schulz noted that a Police and Fire Standing Committee meeting will be held on Monday, September 17. Upon discussion, it was agreed that the meeting be held following the regular Council meeting. Council President Potter publicly thanked Mrs. Gabor for sending Chief Nosse's answers to some of Council's questions; he also thanked Chief Hutton for responding to some of Council's questions relating to Dispatch. Mr. Potter noted that he forwarded those responses to all Council members.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Bill Fisher, 7271 Raccoon Hill Drive, and **James Wineland, 7281 Raccoon Hill Drive,** addressed Council regarding a drainage issue. Mr. Fisher stated that a culvert pipe was installed at the edge of the right-of-way, and it appears that at the time it was installed it was a natural gully going into the ravine. Mr. Fisher stated that during rain storms, the water comes out so fast that it has carved a 10 ft. trench down to the shale bedrock leading into the ravine. Mr. Fisher stated that the culvert pipe is on the property line and directly next to Mr. Wineland's driveway, and it looks like his driveway is ready to fall into the ravine. Mr. Fisher stated that he spoke to Mr. Kiefer a few weeks ago, who advised that property owners are responsible for anything beyond the right-of-way; he stated that because of the manner in which the water shoots out of the culvert pipe, there is nothing they can do that would not be destroyed until the problem is fixed. Mr. Fisher noted that a neighbor across the street complained about all the water in the ditches, and someone came and cleaned out all the ditches, and now the problem is worse for him and his neighbor because the water is flowing more freely. Mr. Fisher stated that there are some 100-year-old oak trees and the roots are being washed out; he stated concern about one of those trees falling on his house. Mr. Fisher stated that he believes the City needs to fix the problem in the right-of-way first. He noted that Mr. Kiefer had suggested a catch basin. Mr. Fisher stated that although he does not know if it is related to the drainage issue, the value of the property dropped 20 percent.

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

Responding to Council President Potter, Mr. Kiefer stated that a deep catch basin would reach the shale and allow the water to drop in and flow out the bottom, rather than shooting out in an arc. Mr. Wineland stated that the culvert is not on his property, but it is causing damage to his property; he stated that the trees that are being eroded are on his property. Mr. Wineland stated that he believes the City should look into this issue, noting that if he and his neighbor try to fix it themselves he is concerned that they would do something incorrectly that would cause damage to other properties.

Mayor Davidson stated that he appreciates Mr. Fisher and Mr. Wineland bringing up the issue, noting that Councilman Smolic followed up appropriately by looking at the issue and notifying the Administration. The Mayor stated that the City will do as much as possible to address the matter, noting that the City will be in touch with them.

Sterling Coleman, 7636 Markell Road, stated that he heard comments from some of his neighbors, and they would like the street to be striped. He noted that people have been forced off the road because of other people driving like it is a single lane road coming around the curve. Mayor Davidson stated that he will check the list for striping that is going out to bid. Council President Potter noted that Mr. Catania had mentioned that he will put it out to bid, in response to a complaint from one of Mr. Coleman's neighbors. Mr. Potter noted that Dr. Porter had mentioned areas on Route 6 West where the striping is no longer visible. Mayor Davidson stated that the bid opening is on September 21.

Gloria Ducca, 8099 Kirtland-Chardon Road, stated that it is her understanding that Council approved the 911 system for dispatchers and the needed equipment. Council President Potter confirmed that the money was appropriated in the budget. Mrs. Ducca inquired why Council now wants to change dispatch to an outside source. Mr. Potter advised that discussion will be held regarding this subject at a Committee meeting in two weeks; he noted that there are a lot of questions that are being answered by the Police and Fire Chiefs. He noted that once the questions are answered, a decision will be made regarding funding of the PSAP system. Mrs. Ducca inquired about the cost to outsource. Mr. Potter stated that if she attends the meeting (on September 17), Council will have a list of the costs, risks and values for internal and external dispatch.

OLD BUSINESS:

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

Council President Potter noted that he would like to meet with the Mayor, the City Engineer and an alternative energy expert before this goes forward. Mr. Lesnick noted that the Utilities Standing Committee was trying to locate an expert to come in and address this with the Committee. The legislation remains tabled.

RESOLUTION NO. 18-R-37 - **(Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE FIRST AMENDMENT TO THE SOLID WASTE AND RECYCLING COLLECTION CONTRACT WITH WASTE MANAGEMENT OF OHIO, INC., AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Mayor Davidson stated that this reflects an increase of 50 cents per month per user, which recognizes the additional costs for recycling services. The Mayor recommended that Council waive the third reading and take this to a vote tonight. Council President Potter stated that he agrees with the Mayor with regard to moving this forward; there were no concerns expressed by Council members.

OLD BUSINESS – RESOLUTION NO. 18-R-37 (continued):

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

NEW BUSINESS:

RESOLUTION NO. 18-R-38 - **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A NEW CALLWORKS CALLSTATION PSAP FOR USE BY THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Council President Potter noted that this will be discussed at the Police and Fire Standing Committee meeting scheduled for September 17. Councilman Schulz noted that Exhibit A states that pricing is valid through March 31, 2018; he inquired whether that pricing is still valid. Mayor Davidson stated that he will ask Chief Nosse to confirm this.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Schulz noted that property owners should have received a reassessment letter from the County Auditor regarding property values. Mr. Schulz inquired whether the Finance Director receives a report regarding the reassessment. Mr. Martinet stated that he does not receive a report. There was brief discussion.

Mayor Davidson stated that he appreciates Council and the Administration working together on various issues.

Councilman Lesnick thanked SME representatives for making the presentation to Council. There was discussion regarding recent technology. Mr. Lesnick stated that the evaluation, with plans, would cost less than \$60,000.

Council President Potter stated his agreement with the Mayor’s comment about working together.

Mr. Potter recognized that there are several people in attendance with regard to discussion of the PSAP legislation; and he invited them to attend the Standing Committee meeting on September 17. Mr. Lesnick inquired whether the answers to Council’s questions will be available at the meeting for the public. Mr. Potter stated that it would be helpful to the public to have access to that information.

PUBLIC COMMENTS:

Sharon Vyskocil, 8415 Locust Drive, commented that at the bottom of the hill at Rt. 306 and Rt. 615, they installed the new ADA ramps to nowhere; it goes into a hill and there is nowhere to walk. Council President Potter stated that there is also an odd curb at Joseph Street. Noting that it is paid for by State funds, Mayor Davidson advised that the ADA ramps are required, even if there is no sidewalk. The Mayor noted that the same thing was done at the intersection of SR 306 and SR 6, and the same questions were asked at that time. Mr. Potter inquired if the ramps are at every outlet or only at specific locations. Mr. Kiefer stated that if a push button is present to control the traffic light, handicap ramps are required; he noted that it is a Federal requirement. Mr. Kiefer stated that the ramps are also installed if there is an existing sidewalk.

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 8:31 p.m.

President of Council

Clerk of Council