

## KIRTLAND CITY COUNCIL MINUTES

October 21, 2019

The meeting of Kirtland City Council was called to order at 7:02 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, Assistant Finance Director Louis Slapnicker, City Engineer Philip Kiefer, Service Administrator Duane Martz, Police Chief Lance Nosse and Economic Development Manager Monica Drake.

### MINUTES OF THE OCTOBER 7, 2019 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 6/0/1 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SMOLIC AND KIREK. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

### DEPARTMENT REPORTS:

Police Chief Lance Nosse advised that Fire Chief Hutton could not attend the meeting due to a fire in Willoughby.

Chief Nosse advised that the monthly report has been distributed.

Councilman Schulz asked about the firearm discharge listed on the report; Chief Nosse verified the discharge was due to euthanization of an animal.

In response to Councilman Smolic's question regarding the crosswalk, Chief Nosse advised that timing corrections were made, and the light is now functioning correctly. The Police Department is still present during events to make sure the crosswalk is being used correctly.

In response to Council President Potter's comment concerning the speed sign stationed at Kirtland-Chardon Road, Chief Nosse reported the sign has been used in various locations in the City. The Chief noted he has to return the sign to the Village of Kirtland Hills tomorrow.

Chief Nosse stated that residents on Kirtland-Chardon Road still contact the Police Department concerning speeds on the road, noting that his department has been doing all they can to handle the situation.

Councilman Skrbis brought up the possibility of Kirtland purchasing a smaller solar powered speed limit sign that flashes when a vehicle exceeds the speed limit. Chief Nosse responded the prices he's received from two companies range from \$4,200 to \$5,500, depending on quantity of signs purchased. After speaking with neighboring communities, Chief Nosse has heard the signs are great for the initial couple of weeks and then readings increase as people use the sign to see how fast they can go. Chief Nosse went on to say he's heard both positive and negative feedback. The mobile signs such as the one that Chief Nosse has been borrowing are priced at around \$10,000. The smaller signs are mounted on poles, and Chief Nosse does not believe they can be used as mobile signs.

**DEPARTMENT REPORTS (continued):**

**Economic Development Manager Monica Drake** reported last week she attended the Ohio Economic Development Association's annual meeting. The Director of Tourism presented at the meeting, and Ms. Drake was made aware of grants that are available to help not only local tourism type businesses but there are also opportunities for the City as well, such as advertising Kirtland on the tourism website and informing those who visit the site all that Kirtland has to offer to the state and surrounding region. This would be a good opportunity to promote Kirtland as a destination city.

Ms. Drake stated the City has supported and been identified as a regional partner in a Western Lake County planning study that goes from Lake Erie to the Chagrin River corridor, of which the city is a part. Therefore, Kirtland is considered a regional partner in the application to NOACA, also for a TLCI grant. Funds are also being applied for through the Cleveland Foundation, Planning Funds, and also Coastal Management, and there is an opportunity to be part of a major planning grant of approximately \$250,000. If the City chooses to take advantage of this opportunity, stormwater funds could be requested to participate in the grant.

Responding to Council President Potter, Ms. Drake stated there are opportunities for trail systems, bike systems, and walking trails focusing on access to places such as the Arboretum and Penitentiary Glen. Another goal of the project would be connecting the regional partner cities together.

Mr. Potter asked Ms. Drake to expand on the option of stormwater funds, to which she replied Kirtland has the ability to request stormwater funds for the plan study. This will keep the City from having to pay these fees out of the General Fund. She noted that Mayor Davidson signed support letters when the Chagrin River Watershed Partners applied to the Foundation. Also, the Lake County Health District is the lead for the TLCI grant.

Ms. Drake advised that she has been analyzing the economic development tools available to the City and which tools would be best used in different scenarios. She mentioned that next week she and Mayor Davidson will be attending a lunch and presentation; the purpose is discussing what companies are looking for in site-ready locations when they're looking for somewhere to locate their business.

**Service Administrator Duane Martz** had no formal report.

Responding to Councilman Smolic, Mr. Martz confirmed the Route 306 drainage work is complete, and work on the north side of Booth Road began on schedule. Mr. Martz expects the work on Booth Road to be completed in 10 days, dependent upon the weather.

Councilman Schulz asked about the culvert projects; Mr. Martz responded that the contractor is stacking materials on Wisner Road.

Mr. Kiefer advised that he spoke to the contractor, and there is a large tree on Wisner Road that needs to be removed because it is pushing against the retaining wall. The contractor is concerned the tree will damage the new work if it falls. Therefore, the contractor would like the City to have the tree removed. Mr. Kiefer has received two prices quoted at \$2,200.00 to \$2,500.00 for removal of the tree. Mr. Schulz stated he believes that is a reasonable cost.

Councilman Skrbis requested to speak to Mr. Martz after the meeting regarding an e-mail he forwarded from a resident, Mike Inghram, regarding drainage.

**DEPARTMENT REPORTS (continued):**

**City Engineer Philip Kiefer** had no formal report. Mr. Kiefer stated that the Booth Road project has begun, as have the complaints about the traffic. The contractor did put signs up concerning road construction, but did not include the start date. Some residents were not prepared this morning and it made them late.

Mr. Kiefer advised that the OPWC application has been submitted for the sewer project, and a response has been received requesting assurance that the loan will be repaid by the City. In order to apply for the WPCLF loan money, Mr. Kiefer said he will need to provide a scope of services and a methodology of how the loan will be repaid. He went on to say he hopes to have something for Council to review by the next meeting.

Responding to Councilman Lesnick, Mr. Kiefer stated that the plan is to complete the drainage projects one after another. When asked if the contractor can work through winter, Mr. Kiefer responded there is no reason why they couldn't, with the exception of final paving. Mr. Kiefer expects the contractor to complete the paving before the asphalt plants close for the year.

Responding to Mr. Smolic, Mr. Kiefer said the contractor's deadline is November 30. The contractor is beginning to bring the material over for the Wisner Road project.

Mr. Kiefer agreed to ask the contractor for a schedule of the projects, as Mr. Lesnick mentioned it would assist in answering residents' questions on the projects.

Concerning the WPCLF loan application and potential legislation, Council President Potter asked Mr. Kiefer to elaborate on the specifics of the process and the loan. Mr. Kiefer said the process is multi-step and he will be meeting with Ms. Kovalchik to go through the procedure with her. He stated that a scope of services is needed, including the method of repayment. This will be needed for the project in its entirety. Responding to Mr. Potter's question of whether the loan money can be used for engineering fees, Mr. Kiefer said it can. Mr. Kiefer went on to say the loan will be acquired in steps. In the beginning the design fee and the planning costs would be requested. Once bids are in for Phase I, then the City will ask for the construction money as an amendment to the loan.

Council President Potter asked about other grants available outside of the loan, to which Mr. Kiefer stated he will continue to look for additional grant money. However, this will have to wait until after July 1. The City will have to accept the OPWC agreement and then seek other funding. The grants are available throughout the year, on different schedules. For example, to request the WPCLF money for construction, bids have to be received for the Phase I construction by the middle of August. The EPA will have to approve the contractor, and they want to see the bids to verify all of the requirements have been satisfied.

Councilman Lowery asked if the request to extend the original three-year turnaround to six years has been approved, to which Mr. Kiefer said it has not yet been approved. Mr. Kiefer anticipates approval of the request, noting that he believes he would have received communication of a denial by now.

Mayor Davidson added that in the conference call with the Northeast Ohio District Chief, he did not seem concerned about the six-year term, and the three-phase plan seemed an option. However, a formal response has not yet been received.

Mr. Lowery said his concern is the request of bids for Phase I with the assumption of the six-year project; if it is not approved there will need to be project changes to account for the three-year project. Mr. Kiefer responded that the City will apply for Phase I, and if it is approved it is tacit acceptance of the six-year schedule.

**DEPARTMENT REPORTS (continued):**

Councilman Lesnick voiced concerns of the length of time already involved. He questioned what will be done in the meantime to mitigate the health and safety of the residents. Mr. Kiefer responded each phase will fix a portion of the problem, beginning with Phase I. Phase I will take the sewer up to Elm Street and Maple Street, so all homes that are failing in that area will be handled. Once that is complete, the project will move up Maple, Coudry and Joseph and get many of the remaining failing homes. However, there are still a few that will be picked up during the third phase. Mr. Lesnick questioned when the larger failings would be resolved, to which Mr. Kiefer said most would be completed during the second phase. This would happen a year after Phase 1 has begun; he expects that construction on Phase 1 would begin in January 2021 and Phase 2 would begin a year later. Mr. Lesnick asked if another couple of years of failing septic systems is a concern for the EPA. Mr. Kiefer explained there is a concern, but the EPA also understands the financial pressure a project like this places on a city and works as well as it can with the city. Concerning a possible intermediate mediation that is not costly that can be done while waiting for their phase in the project to begin, Mr. Kiefer said if the residents affected would clean out their septic tanks it would help. It was agreed that residents should be informed of this option.

**Assistant Finance Director Louis Slapnick** advised that the September financial reports have been distributed. The Finance Department has also submitted the 2020 Senior Levy Applications. The funds originate from Lake County property taxes which are paid directly to the county. The City seeks application, and after approval reimbursements are expected. The 2020 application reimbursements will not be received until 2020. The funds assist in operating the Senior Center and Senior Programs. Historically the City has been awarded \$75,000. This year's reimbursement amount has not yet been determined, but the Finance Department expects to receive an update sometime in November.

Concerning the principal on debt and interest on debt in the financial report, Councilman Lesnick asked for an explanation of the \$3.4 million listed, noting it is not in agreement with the budget book. Mr. Slapnick responded that the appropriation ordinance Council approved is causing the difference in the budget book and the financial report. Discussion ensued concerning the line items in question. Mr. Slapnick offered to discuss with Mr. Lesnick the effect the ordinance has on the budget book and financial reports.

Responding to Councilman Schulz's question concerning the \$72,000 reimbursement, Mr. Slapnick said that is a total reimbursement. The costs incur over the course of the year and then reimbursement is requested from the county.

Councilman Smolic inquired about the funds expected regarding the Route 306 project. Mr. Kiefer advised that he was told by the county the City should receive a check for the funds by the end of the month. Mr. Kiefer stated he does not have all the invoices yet for the work done by the City in the past couple weeks, but the City's total out-of-pocket is over \$100,000, which includes the ramp work that was done. Mr. Kiefer went on to say that is using all of the \$200,000 stormwater money that was promised, and there is another \$78,000 of stormwater money that is eligible, if Council and the Mayor would like to request additional funding. Responding to Mr. Smolic, Mr. Kiefer stated he is not expecting any contingencies other than the tree removal concerning the drainage projects. Mr. Kiefer advised there should be a final cost of the Route 306 project available next month.

Responding to Councilman Lesnick, Mr. Slapnick said the Finance Department is currently working through the final costs of the Route 306 project. Once all the invoicing is received the department will be able to provide a comprehensive statement of the project.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson reported that Jesse Styles from Strategis advises that construction is expected between April, May, and June for the Verizon cell tower. Chief Nosse and Mr. Styles also communicated on the placement for the low-band radio mount for the Police Department.

With regard to the speeding complaints that have been received concerning Kirtland-Chardon Road, Mayor Davidson mentioned that one resident in particular has been doing a good job of keeping the administration apprised by phone, email, and text concerning the problem. Mayor Davidson suggested if concerned residents commit to sticking to the speed limit, even when others are following too closely, it's possible to change the behavior. Mayor Davidson would like to see the suggestion placed in the paper advising the residents of such.

The Mayor stated his apologies to Joe Wainwright, who was late for a meeting today due to the paving. However, the Mayor also stated he is happy to see the construction has begun.

The Mayor advised there will be an open house Saturday at the Kirtland Veterinary Clinic. They are open in their new location, and have posted a sign on the previous location advising customers they have moved.

Mayor Davidson stated that the Fire Department noticed cracks in the doorway and a couple parts of the structure at Station 1; there are possible foundation issues. There have been multiple resources considered, including insurance coverages. The initial read of the insurances by Ms. Kovalchik and others leads to an understanding that there is coverage for structural issues.

Mr. Kiefer added that Chief Hutton spoke to the Lake County Building Department, who informed him the building was not in danger of falling down. Mr. Kiefer stated one of his structural engineers will go out this week to determine the safety of the building and possible options to fix the cracks. There should be more information available by the next Council meeting. The building is on a slab, and the cause is unknown. However, there were water problems shortly after it was built. There was under-slab ductwork that was filling up with water, and there were drainage improvements made around the building.

Mayor Davidson added the HVAC issues have been resolved, and they are not using ductwork under concrete at this time. This change was made over the last couple of years. The structural engineers will be working on a resolution for the building.

Mayor Davidson noted that long-time resident Carl Bezilla, the caretaker for the Temple grounds and buildings, and a graduate of the Class of 1975, has passed away. His funeral will be November 1 at Community of Christ Church.

With regard to the cracks at Fire Station 1, Council President Potter mentioned there was an earthquake several months ago. Mr. Kiefer said he isn't sure if the earthquake had anything to do with the damage, or if it was a contributing factor; he noted the damage did not show up until recently. He is hoping the structural engineer will be able to determine more on the cause.

Mayor Davidson added that regardless of the earthquake, the initial reading of the insurance policy points to the damage being covered. When more detail is available, it will be shared with Council.

Councilman Smolic inquired if the stations will need to be combined if the building is deemed unsafe. Mr. Kiefer responded it involves just one of the wings of the building, not the entire building. Therefore the wing can be temporarily closed. However, Mr. Kiefer does not believe the building will be deemed unsafe.

**STANDING COMMITTEE REPORTS:**

Council President Potter stated that the Economic Development Standing Committee meeting was held prior to tonight's Council meeting, noting that the Committee worked through the outline of the strategic plan. Mr. Potter will meet with Ms. Drake for a wrap-up for the next Council.

It was noted that a Service Department Standing Committee/Finance Committee meeting will be held on November 6 following the regular Council meeting.

**CORRESPONDENCE:**

None.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

**Jackie Woolnough, 10999 Lakebrook Drive**, stated that she is present on behalf of the Kirtland Youth Soccer League, of which she is an officer on the Board. She mentioned that the President of their Board was at the August 19 Council meeting to discuss land use for the soccer program. Ms. Woolnough said she wanted to provide Council with an update on what the Soccer League has done since the August 19 report given by Ms. Schafer, as well as informational updates in hoping to gain some support and direction on what the next steps should be.

She stated that on August 19 the land behind the library was discussed regarding possible use for soccer games. Ms. Schafer and Ms. Woolnough took some early morning walks in the field with Justin from the Service Department, and they have devised a plan and are ready to move forward. However, there are two pieces of clarification needed before that can happen.

She stated there may be questions from the City Law Director; hopefully there can be some clarity as to the nature of the questions so answers can be given. Other clarification needed is who will maintain the land. Ms. Woolnough stated the options are either for the City to lease the land from the library, or for the library to maintain possession of the land.

Mayor Davidson informed Ms. Woolnough that on October 24 a meeting is scheduled between the Library Board and the City. In this meeting a Memorandum of Understanding will be created to clarify these points. He went on to say his understanding is that Justin and the Service Department crew will maintain that land, and there would be a path from the City property behind the Veterans' Memorial. Additionally, Mayor Davidson provided her with the phone number for Clay Baldwin, who is elder of facilities at New Promise Church. The church has excellent parking, a pavilion and facilities; and the church is interested in working with the Soccer League.

Ms. Woolnough thanked him for the contact. She stated the Soccer League is looking to have a multi-year agreement as they are not looking to do this every year. She mentioned they will also need some clarification on the cost involved, as the League was told they would need to contribute funds. The League is happy to do so, but there needs to be an understanding of what is expected. The Mayor stated he looks forward to working with the Soccer League.

Ms. Woolnough requested clarification on a comment made on Candidate's Night, regarding an idea to develop the land on Euclid-Chardon Road. She noted that the land was originally bought for recreational purposes.

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

Mayor Davidson responded when he first came into office, there were plans made for that piece of property, but when the wetland study was completed the report came back that the property is 47 percent wetlands. Subsequent to that report, efforts were focused on the park behind the schools where there is a better chance of achieving their goal. There was also property considered in Kirtland Hills that is owned by a private citizen who is interested in investing in baseball fields. With regard to the property on Euclid-Chardon Road, the Mayor stated the Council, the Finance Director and the Administration need to determine its best use for the City; however, it will not be used as soccer fields at this point.

Ms. Woolnough stated she appreciates the clarification. She went on to say that the League is looking to move forward and possibly get some direction as to what they can do. When Ms. Schafer spoke in August, there was brief discussion of the conditions of the Kirtland Community Center in the spring; the fields retain a lot of water and become unusable and the League has to rely on other cities to host the Kirtland Soccer program. Ms. Woolnough understands last spring was a wet spring, however this is a yearly issue. Ms. Woolnough went on to say one of the options she and Ms. Schafer had discussed with Justin was an idea of what needed to be done to make the community center fields drain properly. The answer was unknown, and they were told it would be costly, but there was not a dollar figure provided.

Ms. Woolnough and Ms. Schafer spoke to Justin concerning ideas they had for correcting the problem. One idea is to get quotes to understand the work that needs to take place; the Soccer Board would like to work with local partners such as Kiwanis and neighboring businesses to get the work done without having to use City funds, if possible. The second item Ms. Woolnough wanted to suggest is putting a playground at the Community Center. This is something the Soccer Board has wanted to do for quite a while, as have the Kiwanis. Therefore, Ms. Woolnough has been in contact with them, offering the Board's full support in labor and finances to accomplish that project.

Ms. Woolnough said these are two projects the Board would like to see accomplished at the Community Center, so it will be more friendly and usable for everyone.

Answering Councilman Lesnick's question regarding soccer enrollment, Ms. Woolnough said enrollment is up 45 percent this year, from 2015. As of right now there are 218 children enrolled; almost all of the children are from Kirtland, with less than 10 from outside cities. When asked what the increase has been attributed to, Ms. Woolnough responded Ms. Schafer runs a good program, and it's fun for the kids. Word of mouth from happy parents has been responsible for a good bit of the increase. The age group is four to eleven years old.

Concerning the work to be done to prepare the land behind the library for soccer use, Ms. Woolnough noted that it would need to be regraded and reseeded, so it will take some level of effort to relevel that field. Councilman Lowery inquired if there would be an attempt to remove the mound, to which Mr. Martz responded that it depends on what the mound encloses. The field will be outside of the mound, so it can stay.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**ORDINANCE NO. 19-O-50**  
**(Mayor Davidson)**

- **AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**

The legislation was read by title only. Mr. Slapnicker explained that this legislation authorizes a list of possible depositories into which funds can be deposited. Responding to questions from Council, Mr. Slapnicker advised that the City has done business with Star Ohio for many years. Mr. Lesnick moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).** Mr. Lowery moved to adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC AND KIREK. VOTING NAY: NONE).**

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Schulz wished Councilman Lowery a happy birthday.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Lowery moved to adjourn, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 8:01 p.m.

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President of Council

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Clerk of Council