

KIRTLAND CITY COUNCIL MINUTES

July 1, 2019

The meeting of Kirtland City Council was called to order at 7:01 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, Richard Lowery, Kevin Potter, Robert Skrbis and Joseph Smolic. Absent: John Lesnick and Matthew Schulz.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Assistant Finance Director Louis Slapnicker, City Engineer Philip Kiefer, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake. Sergeant Jamey Fisher was present in the absence of Police Chief Lance Nosse.

PUBLIC HEARING

Tax Budget for Fiscal Year 2020

Council President Potter opened the public hearing in this regard. Assistant Finance Director Slapnicker advised that the tax budget provides information for the County Auditor to set the property tax rate for next year; in 2020 the City will have approximately 3 mills inside and 8.05 mills outside. He stated that failure to pass the tax budget results in zero real estate tax revenue for 2020. Local government revenue is also based on completion of the tax budget and allows the County Auditor to provide the City of Kirtland with a certificate of estimated resources, which limits the amount of money Council can appropriate for the year 2020, thereby avoiding negative fund balances. The tax budget does not appropriate any funds for next year.

There were no questions or comments from the public or from Council, and Council President Potter closed the public hearing.

MINUTES OF THE JUNE 17, 2019 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 4/0/1 (VOTING YEA: SMOLIC, KIREK, LOWERY AND POTTER. VOTING NAY: NONE; ABSTAINING: SKRBIS).**

MINUTES OF THE JUNE 17, 2019 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 4/0/1 (VOTING YEA: SMOLIC, KIREK, LOWERY AND POTTER. VOTING NAY: NONE; ABSTAINING: SKRBIS).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report. Chief Hutton advised that at next week's meeting, Tony Catania will be sworn-in as Captain and Aaron Madden will be sworn-in as the newest full-time firefighter. He noted that their start date will be the first week of August.

DEPARTMENT REPORTS (continued):

Police Sergeant Jamey Fisher did not present a formal report.

Council President Potter inquired about the status of the new crosswalk. Mayor Davidson stated that Perram Electric (subcontractor) advised that the electric inspection is complete and the work order has been submitted to the electric company; they anticipate the work being completed this week or next week. The Mayor noted that Officer Petric posted a Facebook article announcing the crosswalk, and when it goes into operation another article will be posted on the Kirtland Police Department Facebook page.

Councilman Smolic inquired about Sergeant Fisher's recent schooling in Columbus. Sergeant Fisher stated that he made a lot of contacts and he looks forward to bringing that training back to Kirtland.

Economic Development Manager Monica Drake did not present a formal report and no questions were asked of her.

City Engineer Philip Kiefer gave no formal report. Councilman Smolic inquired about the property at 7321 Raccoon Hill. Mr. Kiefer stated that he went out to the property; he advised that he has to discuss this with the Mayor.

Council President Potter inquired if there have been any updates from the Ohio EPA regarding the Old Town sewer issue. Mr. Kiefer replied that he has not heard anything.

Assistant Finance Director Louis Slapnicker advised that the monthly reports for May have been distributed to Council, noting that all reports have been reconciled and cash reconciliations are up-to-date through May 31.

Mr. Slapnicker stated that they have continued to build and review current data processes within the Finance Department. Noting that they are starting to build a library of contractual agreements, Mr. Slapnicker stated they are tracking those agreements to ensure agreed upon pricing and items related to in-kind work. They have implemented a review process for financial reporting.

Mr. Slapnicker stated they continue to look into the software that is currently used to remain consistent with past practices and help develop into the new software; he noted that earlier today Mrs. Kovalchik sent a memo to Council.

He advised that amended appropriations will be submitted for the next Council meeting, noting that a full explanation of the requested amendments will be presented to Council. He noted that amendments include paying off remaining leases associated with road levy funding while it is still available to do so.

Noting that Council had requested information on citations, Mr. Slapnicker stated that in 2016 the revenue for citations was \$41,708.31; in 2017 it was \$52,203.17; in 2018 it was \$42,641.08; and for 2019 to date it is \$20,339.00.

With regard to the recent bond anticipation note, Mr. Slapnicker stated that Squire's fees for 2018 totaled \$9050; for 2019 the fees dropped 23 percent to \$6950. The reasons for the cost savings include the shared services with Lyndhurst (Lyndhurst also uses Squires Sanders and negotiates the fees annually); principal reductions (a few assets were paid down to get them off the books); and there were no new components to the financing.

Answering Councilman Smolic regarding the leased equipment, Mr. Slapnicker stated that for the roller, as of July 15, 2019, there is \$20,219 left on the lease.

DEPARTMENT REPORTS (continued):

Mr. Smolic inquired if there has been any consideration regarding selling the roller. Mayor Davidson stated that he inquired with Southeastern Equipment regarding a potential equipment trade; he suggested that this be discussed at a Service Department Standing Committee meeting, along with discussion of the road plan. The Mayor suggested that a meeting be scheduled for July 8.

Law Director Daniel Richards presented no formal report. Mr. Richards requested that Council add an item of new business to tonight's agenda regarding the Memorandums of Understanding relating to stormwater management. Mr. Richards noted that he sent an e-mail to Council members in this regard earlier today. Mr. Richards stated that the Finance Director has indicated that it is imperative that this be addressed tonight. Mr. Richards stated that after this is added to the agenda, he would request that Council waive the three readings and adopt a motion to authorize the Mayor and Law Director to execute documents that have been presented. He stated that this simply approves the additional monies available, noting that the Finance Director indicated the City should utilize the prefunding of these projects. Mayor Davidson stated that as a matter of process, the Law Director requested that Council vote on this matter relating to the stormwater contracts which were previously approved by Council. The Mayor noted that there are time constraints involved with the contracts. Mayor Davidson stated that the projects have been approved, and this is a matter of housekeeping.

Discussion ensued regarding the funding of the projects. Mayor Davidson noted that there are funds in reserve for stormwater management, so the City could apply for additional funds if necessary.

Responding to an inquiry from Councilman Smolic, Mayor Davidson stated that whenever sufficient stormwater funds are available, he would like to put Rockwood back on the agenda.

Councilman Smolic inquired if there are any legal matters that need to be addressed in conjunction with the new crosswalk. Mr. Richards advised that he would have to look into it.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated that he received correspondence from the Ohio Department of Health relating to lead abatement, noting that they have funding opportunities for homes built before 1978 that have youth or pregnant residents living in the home. He noted that information is posted in the City Hall lobby.

The Mayor stated that Perram Electric advised that power for the crosswalk signal will be done this week or next week, contingent on the power company.

Mayor Davidson congratulated Mike Germano, the City prosecutor, who has accepted a position at the Ohio Attorney General's office. He has done a fine job for Kirtland over the years and the City was fortunate to have his services.

The Mayor stated at the next meeting Mr. Catania and Mr. Madden will be sworn-in; he noted that Captain Dale Grinstead is retiring soon, after 42 years of combined service as a volunteer firefighter and for the Kirtland Fire Department. The Mayor added that Captain Grinstead was able to serve 15 years with his father for the Volunteer Fire Department. Mayor Davidson noted that Captain Grinstead will receive a proclamation in appreciation of his many years of service.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Referring to legislation under New Business, Mayor Davidson stated that there is an agreement between Wickliffe, Willowick, Kirtland and the Port Authority relating to the economic development manager; he noted that the new agreement will be between Wickliffe, Willowick and Kirtland, and the Port Authority will no longer be a party to the agreement. He advised that Wickliffe will be the administrator. Noting that he has brought this up with Council over the last few months, the Mayor stated that he would appreciate Council's help in waiving the readings and getting the legislation passed so the City can continue working toward growth and projects that can help finance the City.

As previously mentioned, the Mayor requested that a Service Department Standing Committee meeting be scheduled for July 8.

Mayor Davidson stated that the concerts on the gazebo green are going forward, noting that they are funded by a grant from the residents' participation in NOPEC. He stated that Kirtland Library Director Jane Carle, the Friends of the Library, Kent Packer and the Kiwanis have been involved in the scheduling. He noted that the following concerts are scheduled: July 17 Chardon Polka Band; July 31 Plaid Sabbath; August 7 Debbie Gifford; and August 14 Denny Carleton and Friends. The Mayor noted that the concerts are free of charge and will be held in front of City Hall.

Responding to Council President Potter, Mayor Davidson stated that for the Service Department Standing Committee meeting, the engineering estimate for Booth Road will be available; he stated he hopes to be able to address Booth Road and patching on Billings, along with crack sealing and patching.

STANDING COMMITTEE REPORTS:

Council President Potter advised that an Economic Development Standing Committee meeting will be held on July 8, 2019 at 5:30 p.m. to discuss strategic planning. Mr. Potter stated that he has some documents he will be sending out before the meeting.

Councilman Smolic advised that, at the request of the Mayor, a Service Department Standing Committee meeting will be held following the Council meeting on July 8, 2019.

With regard to the Planning and Zoning Standing Committee that was scheduled for June 24 to discuss the zoning referendum, Councilman Lowery advised that the meeting was cancelled in light of Mayor Davidson's suggestion that the Committee hold off until the Charter Review Committee is convened and has opportunity to review the matter. Mayor Davidson stated that he believes it is wise to have this reviewed by the Charter Review Committee, noting that if something comes up beforehand, the City has the opportunity to place it before the public in May.

With regard to the City website, Councilman Skrbis stated that Helen Petersburg and Julie Simons have been in contact with E-Gov; he noted that the Public Relations Standing Committee will meet and provide input as this moves forward. Noting that the old website is static, Mayor Davidson stated that the Kirtland Police Department is currently hosting updated city information on their Facebook page. The Mayor stated that the new website will have incident tracking and be updated more quickly from within City Hall.

CORRESPONDENCE:

Council President Potter reported on the following:

1. Zoning Permit Request: **Dale Diggs** was present to request Council approval for the issuance of a zoning permit for a new residence on a newly created lot on Russellhurst Drive Extension. Mr. Kiefer advised that Council approved the preliminary minor subdivision, and the Planning and Zoning Commission recently approved the minor subdivision. Mr. Kiefer stated that any request for a zoning permit for a new house on a road that is not yet dedicated requires Council approval. Answering Mr. Lowery, Mr. Kiefer stated that the City is not responsible for plowing the private road, although the City does plow it for the safety forces. Mr. Kiefer stated that he approved the site plan for the new house, noting that Council has to approve the issuance of a new zoning permit. Upon discussion, Mr. Skrbis moved to approve the issuance of a zoning permit, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LOWERY AND POTTER. VOTING NAY: NONE).**

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

RESOLUTION NO. 19-R-36 - **(Second Reading) - A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2020.**
(Mayor Davidson)

The legislation was read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 19-R-37 - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF WICKLIFFE, OHIO AND THE CITY OF WILLOWICK, OHIO, REGARDING HIRING AND EMPLOYING A SHARED ECONOMIC DEVELOPMENT MANAGER, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

The legislation was read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. Responding to an inquiry from Mr. Smolic, Council President Potter advised that the legislation relates to a transition from having the Port Authority involved as the direct hiring source for Ms. Drake, and moving that to the City of Wickliffe. It was confirmed that there are no other changes. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LOWERY AND POTTER; VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LOWERY AND POTTER; VOTING NAY: NONE).**

NEW BUSINESS (continued):

Mr. Skrbis moved to suspend the rules of Council to authorize a modification of the agenda per Section 220.31 by a two-thirds vote to permit consideration and approval of the various Memorandums of Understanding relating to the drainage projects. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LOWERY AND POTTER; VOTING NAY: NONE).**

Mr. Skrbis moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LOWERY AND POTTER; VOTING NAY: NONE).** Mr. Skrbis moved to authorize the Mayor and Law Director to execute the various pre-funding Memorandums of Understanding and do all things necessary to secure the funding and move forward with the project as planned. Mr. Lowery provided the second. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LOWERY AND POTTER; VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

Mayor Davidson stated that while working to reach agreement regarding a zoning inspector, he advertised and received responses from some candidates; he and the staff will be interviewing a candidate for an interim inspector to support the Zoning Office and Chief Nosse, while looking for a permanent candidate for that position.

ADJOURNMENT:

Mr. Lowery moved to adjourn, with the second by Mr. Kirek. The motion of Council passed by unanimous vote and the meeting adjourned at 7:49 p.m.

President of Council

Clerk of Council