

KIRTLAND CITY COUNCIL MINUTES

July 8, 2019

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, Robert Skrbis and Joseph Smolic.

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

ADMINISTRATION OF OATH

Anthony Catania – Captain, Fire Department

Aaron Madden – Full-Time Firefighter/Paramedic, Fire Department

Chief Hutton noted that Captain Dale Grinstead retired today after 42 years with the City. He requested that Anthony Catania come forward to be sworn in as Captain of the Fire Department. Chief Hutton stated that Anthony Catania has been with the Kirtland Fire Department since 2002, noting that he has worked diligently on continuing his education and has a passion for training firefighters. He has an Associate Degree in Fire Science; he is a fire safety inspector, a fire investigator and a member of the West Lake County Fire Investigation Unit, as well as the lead fire investigator in Kirtland. Anthony Catania also serves as a fire instructor, a CPR instructor, a road rescue technician, a HAZMAT technician, and a member of the Lake County Hazard Intervention Team. During his years in the department, Mr. Catania has managed a lot of the hose and turnout gear programs. He is also very handy and has built cabinets for the department, and he is becoming an excellent grant writer. Mr. Catania introduced the members of his family that were in attendance. Mayor Davidson administered the Oath of Office, and Captain Catania received the applause and congratulations of all those present.

Chief Hutton noted that he had previously mentioned to Council the difficulty in finding and keeping part-time firefighters. He noted that Aaron Madden is a prime example, in that other fire departments were interested in hiring him full-time; he stated that he did not want to lose him to another fire department. Noting that there are several others on the list that applied for full-time, Chief Hutton stated he is hopeful they can be brought to full-time in restructuring of the department.

Chief Hutton requested that Aaron Madden come forward to be sworn in as a full-time Firefighter/Paramedic for the Fire Department. Chief Hutton stated that Firefighter Madden graduated from Kirtland High School and has deep roots in Kirtland; he comes from a large family and has a great work ethic. Firefighter Madden is very compassionate and has the character and integrity that is sought after when hiring a firefighter at the Kirtland Fire Department. Chief Hutton went on to say even as a part-time firefighter, Firefighter Madden is often mentioned in the many letters of thanks sent to the department, which is a testament to his character and the way he treats others. Firefighter Madden began as a part-time firefighter/EMT basic. A few years ago he went on to become a Paramedic, and has since become a fire safety inspector, a CPR instructor, and a Stop the Bleed trainer. Stop the Bleed is a new program, training with police officers and teachers, relating to active shooter situations and gunshot wounds. Firefighter Madden introduced the members of his family that were in attendance. Mayor Davidson administered the Oath of Office, and Firefighter Madden received the applause and congratulations of all those present.

MINUTES OF THE JULY 1, 2019 COUNCIL MEETING:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 5/0/2 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: LESNICK AND SCHULZ).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the monthly report has been distributed.

Council President Potter commended Chief Hutton on the promotion of a Captain and the selection of a full-time Firefighter/Paramedic.

Police Sergeant Jamey Fisher advised that the monthly report has been distributed. No questions were asked of him.

Service Administrator Duane Martz gave no formal report and no questions were asked of him.

City Engineer Philip Kiefer advised that the monthly report has been distributed. In addition, he stated he has not heard from Ohio EPA regarding the Old Town sewers. He noted, however, the EPA sent a notice that there may be an audit because federal money was spent for the Route 306 resurfacing. He noted that he will discuss this with Councilman Schulz.

Councilman Smolic inquired when the crosswalk will be activated, to which Mr. Kiefer responded he's not been given a time. Responding to Mr. Smolic, Mr. Kiefer stated once the crosswalk is activated, it will be dark most of the time. Pushing a button will turn the light yellow, to warn motorists that it will be turning red. Then it will go to full red and give pedestrians time to cross the road. After that, it will go to blinking red, and cars can proceed if the crosswalk is clear. Afterwards it will go dark again. Mr. Kiefer stated that the crosswalk will be active at all times, if there is someone that wants to cross.

Responding to Councilman Lowery regarding the Regency Woods Drive slope failure, Mr. Kiefer reported there was a slippage several months ago and it hasn't been addressed yet; he will keep an eye on it to see if it gets worse. The slippage is located at the end of Regency Woods Drive, just before Riverwood Way, on the north side.

Councilman Skrbis inquired about a Locust Drive property, mentioning the resident would like to remedy some of the situation himself. Mr. Kiefer stated the work on the resident's property can be handled by the resident, however the resident is asking the City to put large pipe in along the road, and that will need to be funded. Mr. Kiefer noted that the resident can contact him with his questions.

Finance Director Mary Kovalchik stated that the mid-year court reporting has been received, and the sharing allocation for Kirtland is \$3,952. Mrs. Kovalchik stated she will be meeting with them in the morning and hopes to be introduced to the Judge and the Clerk of Courts. She noted that she left a message regarding a question concerning two invoices. They were small amounts (\$57 and \$117) and were court costs associated with dismissed hearings. Mrs. Kovalchik said she was unsure as to why the City received the invoices, because they have not been received in the past. Mrs. Kovalchik stated she will investigate the situation further.

Mrs. Kovalchik noted that the appropriations ordinances are on tonight's agenda, and Council was provided with a memo of explanation.

DEPARTMENT REPORTS (continued):

Law Director Daniel Richards gave no formal report and there were no questions asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson gave no formal report and there were no questions asked of him.

STANDING COMMITTEE REPORTS:

Councilman Smolic noted that there will be a Service Department Standing Committee meeting immediately following the Council Meeting.

Council President Potter noted that an Economic Development Standing Committee meeting was held prior to the Council Meeting, in which the Committee summarized and spoke of the next steps that will take place between now and the next meeting. Mr. Potter noted that the Committee wanted input from Ms. Drake; however, due to unforeseen circumstances she was not able to attend. He noted that another Committee meeting will be scheduled for August 19 at 5:30 p.m. to discuss the strategic plan.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Robert Pintabona, 7321 Raccoon Hill Drive, spoke to Council concerning a recent construction project at his home, noting that in 2017 it was designed to convey stormwater from the property across the street. Mr. Pintabona stated the project is going well overall, noting that it has been plagued with restoration efforts. Mr. Pintabona complimented the City for helping along the way, but things still need to be done. He stated that when the contractors restored the site, his property was covered with bricks and rocks on top of the lawn that was planted. The City came in and cleared it, but after the first rain, the entire topsoil on the lower half of the property washed down the hill. Mr. Pintabona thanked the City for coming back and fixing that. He stated that another instance concerns an outlet structure that was being undermined; the City came back and replaced it. He stated that the bottom half of his property continues to erode, and his fear is that if it continues to erode it will erode down to the outlet structure and cause further problems. He stated he has tried planting trees, and he brought in loads of gravel to fill the gullies that are forming, but it is not stopping the problem. Noting that he believes it needs an engineered approach, Mr. Pintabona requested that the City complete the project.

Councilman Smolic stated the original project was done in 2017, and there was additional work done on the south side. He noted he has been to Mr. Pintabona's house, and there is erosion down on the bottom left side; the concern is the washout underneath. Mr. Smolic thanked Mr. Kiefer for stopping by and looking at the property this week.

In response to Council President Potter's question concerning the problem on the property, Mr. Kiefer stated that the property funnels down to a point, and the surface water collects and pours into a more concentrated stream, which has created a small gully. Mr. Kiefer said the stone that was put in was too small for the velocity of the water, and he suggested using number ones and twos which would be more stable.

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

Mayor Davidson stated he will meet with Mr. Kiefer and Mr. Pintabona to come up with options to correct the situation.

OLD BUSINESS:

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

The legislation was read by title only. Mr. Lowery moved to adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 19-R-38 - **A RESOLUTION ESTABLISHING AN INCREASE IN WAGES IN THE AMOUNT UP TO THE SUM OF ONE THOUSAND DOLLARS (\$1,000) PER MONTH, WITH DANIEL F. RICHARDS AS LAW DIRECTOR OF THE CITY OF KIRTLAND, TO FACILITATE THE IMMEDIATE HIRING AND RETENTION OF THE CITY PROSECUTOR, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

The legislation was read by title only. Council President Potter stated that Mr. Germano, who has taken a position with the state, was a revenue producer for Wiles and Richards. Mr. Richards stated that Mr. Germano is a very good lawyer and was with the firm for 31 years. As such, he was an extremely good revenue generator for the firm. As a consequence, Mr. Richards was able to engage him as prosecutor for the City without having to ask for funds outside what was being received. After the departure took place, rather suddenly and unexpectedly, it became important to immediately fill the gap and provide someone that is capable to prosecute.

Mr. Richards believes the only person capable of prosecuting would be found outside Wiles and Richards, and the price range provided for a capable prosecutor was \$1,000 a month up to \$24,000 a year. The City revenue is enhanced between \$40,000 to \$50,000 annually from the revenues coming out of the citations issued in the municipal court. The type of work that is done is a substantial amount of court appearances, at least once every week, and usually for a full day. There is a lot of interaction with the police department during the course of the week. Mr. Richards stated it is time consuming and requires a specialized knowledge.

Mr. Richards said he will be helping to ensure a smooth transition over the next month or two, but right now there needs to be someone available as soon as the upcoming Wednesday, as someone has to be present at municipal court. Mr. Richards stated his firm has notified the Court that they will be putting someone there, but the revenue has to be there to take care of that. Mr. Richards believes \$1,000 a month is an appropriate amount.

Councilman Smolic noticed the Resolution is from July to December of 2019, and inquired if this could carry over to 2020, to which Mr. Richards responded he assumes by December the firm will know what the situation will be going into the coming year. Mr. Richards went on to say he does not want to commit the City to anything beyond the contract as it stands, which expires on December 31. Therefore, it makes sense to keep with the commitment of a six-month period of time.

NEW BUSINESS – RESOLUTION NO. 19-R-38 (continued):

Councilman Schulz inquired if this is an OPERS covered position. Mr. Richards replied that the prosecutor will be retained by the law firm of Wiles and Richards as an independent contractor and will not be entitled to OPERS.

Mr. Schulz moved to waive the three readings, with the second by Mr. Lowery. Responding to a question from Mr. Skrbis, Mr. Richards stated his firm would pay the prosecutor as a contractor, and the increase in funding he is requesting will be received by the law firm. For clarification of the inquiry from Mr. Schulz, Mr. Skrbis stated that the \$1,000 does get applied to OPERS since it is paid to Mr. Richards, who is covered by OPERS. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE.)** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lesnick. In response to an inquiry from Mr. Smolic, it was noted that the OPERS amount would be 14 percent. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

ORDINANCE NO. 19-O-39
(Mayor Davidson)**- AN ORDINANCE AMENDING ORDINANCE NO. 19-O-17
RELATING TO THE APPROPRIATION FOR THE YEAR
2019.**

The legislation was read by title only. Responding to Mr. Lesnick, Mrs. Kovalchik stated she used the most recent appropriation Ordinance, not the original. There was discussion concerning the original budget and the pending Ordinance. Mrs. Kovalchik stated she would, after the Ordinance has passed, be testing for audit to make sure the City is in compliance before the estimated certificate of resources is revised. Mr. Lesnick voiced concerns over where the money being returned to the budget is coming from. Mrs. Kovalchik responded she believes there will be more money coming in, because per her note on the report, stormwater management is prepaying 100 percent of the number that she is asking Council to amend the Appropriations to reflect. These monies are coming from the memorandums of understanding, which were put before Council at the last meeting. If any of the projects come in under budget, Kirtland will refund that money back to the County for Kirtland's Stormwater Management fund. Further discussion ensued. Responding to Mr. Lesnick's question concerning in-kind work, Mrs. Kovalchik responded the engineer would be able to answer that, however every possible situation was considered to reduce costs, including a possible overage, to avoid having to come back to Council and request more funding. Mr. Keifer added the funding for South Wisner Road may have a surplus, depending on how much work is necessary. He stated that all the projects will be contracted out, with no in-kind work.

Responding to questions concerning the State Route 306 resurfacing project, Mr. Keifer said the contractor will submit final paperwork to ODOT, and once that has been approved, a final number for the project will be available. Mr. Kiefer noted that the City will receive OPWC money, as well as the stormwater money. Discussion ensued concerning the State Route 306 project, what was allocated, and what is expected to be refunded. To summarize, the final number for State Route 306 has not yet been provided. Mrs. Kovalchik stated there are many facets to the funding, and she has relied heavily on the engineer, who is awaiting final numbers. However, working with what she has been provided up to this point she made a decision on what funding to request. Discussion ensued. Answering Council President Potter's question concerning the necessity of passing this Ordinance tonight, Mrs. Kovalchik stated there are contracts that Council has already approved, and it is imperative that the Ordinance is passed.

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

NEW BUSINESS – RESOLUTION NO. 19-O-39 (continued):

Councilman Skrbis commented that he appreciates all the work involved with the Ordinance, and Council’s patience. For clarification, Mr. Skrbis stated that the number Council is requesting is the amount the City will be paying from the original \$500,000 loan amount.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

Bill Svendsen, 10822 Crestwood Drive, inquired if there are cameras mounted on the poles at the intersection of State Route 306 and State Route 6. Councilman Schulz responded that it is radar detection to help operate the signal, instead of having loop detectors in the pavement. The smaller ones are for the police and fire to move through the signal safely, and the larger ones are for radar detection, to detect a car waiting so the signal will trigger.

Julie Symonds, 7635 Markell Road, inquired who will communicate information to the community when the crosswalk signal is activated, and how to work it. Mayor Davidson advised that Officer Petric provided the initial description of the crosswalk on Facebook and will follow-up with communication on the working signal. Sergeant Fisher added that communication with the community will be through social media, as the Police Department has increased their social media communications. He went on to say as soon as the Department is notified the crosswalk is functioning and ready to use, the Department will educate the public that it has been activated and how to use it. They will be visiting the schools to encourage students to use the crosswalk for safety. Sergeant Fisher requested those in the audience to like and follow the Department on social media to increase those who are reached when updates are posted. Mr. Lesnick asked if there would be something placed in the paper, for those who do not use social media, to which Sergeant Fisher responded the Department will keep the Kirtland Chronicle informed, so it can also be placed in the paper.

ADJOURNMENT:

Mr. Schulz moved to adjourn, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 8:13 p.m.

President of Council

Clerk of Council