

KIRTLAND CITY COUNCIL MINUTES

January 18, 2017

The meeting of Kirtland City Council was called to order at 7:10 p.m. by Council President Pro Tempore Robert Skrbis. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Kevin Eilerman, David Kirek, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic. Absent: R. Robert Umholtz.

Administrative personnel present were: Mayor Douglas E. Davidson, Assistant Law Director Nicholas Laudato, Finance Director Keith Martinet, Service Administrator Carm Catania, City Engineer Philip Kiefer, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

MINUTES OF THE JANUARY 4, 2017 WORK SESSION:

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

MINUTES OF THE JANUARY 4, 2017 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report and no questions were asked of him.

Police Chief Wayne Baumgart gave no formal report and no questions were asked of him.

Service Administrator Carm Catania did not present a formal report. Councilman Schulz inquired if Mr. Catania heard from CEI regarding the light at the intersection of Hobart and Chapin Ledges. Mr. Catania advised that he, Helen Petersburg and Ron Erxleben met with the CEI representative last week. He noted that the new procedure is to submit the request on their website; it has been submitted and it is now at their discretion. Mr. Catania noted that residents can visit the website to obtain various types of information, including locations of power outages.

Councilman Potter inquired if there has been an increase in drainage complaints as a result of the recent rainy weather. Mr. Catania stated that there have been complaints, noting that in most cases it was because of catch basins covered with leaves and ditches plugged with branches.

Responding to Councilman Potter, Mr. Catania advised that the Service Department has been cold patching since last week.

Councilman Smolic noted that the resident on Route 306 who had the blocked culvert stated his thanks to the Service Department for unblocking the culvert.

DEPARTMENT REPORTS (continued):

City Engineer Philip Kiefer did not present a formal report and no questions were asked of him.

Finance Director Keith Martinet advised that he prepared, posted and distributed the December financial statement; he noted that he has been working on the budget and that it will be provided to Council at the next meeting. Councilman Eilerman inquired if it would be possible to receive the budget electronically a week before the meeting so that Council has time to review it and prepare questions. Mr. Martinet advised that, if possible, he will provide the budget in electronic format prior to the meeting date.

Assistant Law Director Nicholas Laudato did not present a formal report. Councilman Schulz inquired if other municipalities have reacted to Senate Bill 114 relating to permitting golf carts to drive on municipal roadways under 35 mph. Mr. Laudato stated that he has not heard anything in this regard, but he will look into it to determine if it has been addressed by other municipalities.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson thanked Keith Martinet and Julie Loxterman for their work on the budget. He noted that he will meet one more time with the Department Heads to get the budget ready for presentation to Council. The Mayor noted that Mr. Catania is working on the paving plan, which should be ready by the time the budget is passed.

With regard to the paving plan for the upcoming year 2017, Councilman Smolic inquired if a more detailed update on 2016 will be provided. Mayor Davidson stated that he has requested that Mr. Catania, with Mrs. Loxterman's assistance, report on 2015 and 2016 to provide detail of the work that was done the first two years of the levy. The Mayor noted that the range of salt prices and fuel prices, and the impact on the budget, has also been reviewed. He noted that a detailed plan will be posted on the website.

Councilman Smolic inquired if chip and seal will be done again next year. Mayor Davidson stated that this is being reviewed. Mr. Smolic inquired whether there was any more follow-up needed on Martin Road, noting that the contractor came back a second time on both Martin and Killdeer. Mr. Catania stated that Ronyak Paving came back a third time on Martin, because of a spot where ground water kept surfacing.

Councilman Potter inquired about NOPEC and whether there is any information on the default provider. Mayor Davidson suggested that he contact Helen Petersburg, noting that she has information relating to the NOPEC site and other aggregators. The Mayor noted that this will be an individual consumer decision. Mr. Martinet stated that the City has always shopped rates and also checks with other communities. Responding to Mr. Potter, Mayor Davidson stated that Wendy, the City's current liaison, works for First Energy and will likely remain in that position. Mr. Potter noted that he had contacted her with regard to LED conversion of the street lights, but she has not yet responded.

STANDING COMMITTEE REPORTS:

As Chairman of the Police and Fire Standing Committee, Councilman Smolic advised that the committee met before tonight's meeting, noting that updates will be proposed to the animal ordinance and that the updated ordinance will hopefully be presented to Council by the February 6 meeting.

CORRESPONDENCE:

Council President Pro Tempore Skrbis noted that Council members received a reminder regarding Financial Disclosure Statements that must be filed with the Ohio Ethics Commission.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 16-O-60 - (Tabled) – AN ORDINANCE AMENDING CHAPTER 618 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO ANIMALS.
(Mayor Davidson)

The legislation remains tabled.

RESOLUTION NO. 17-R-1 - (Second Reading) – A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

Read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 17-R-2 - A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
(Mayor Davidson)

Read by title only. Noting that Council passed legislation earlier in this regard, Finance Director Martinet advised that it has to be recertified as a result of passage of the senior and recreation levy. Mr. Martinet requested that Council waive the three readings so this can be submitted to the Lake County Auditor as soon as possible. Mr. Potter moved to waive the three readings, with the second by Mr. Eilerman. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

RESOLUTION NO. 17-R-3 - A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW 2016 MACK MODEL GU-432 SNOW PLOW TRUCK CHASSIS AND EQUIPMENT FOR USE BY THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Potter. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

NEW BUSINESS – RESOLUTION 17-R-3 (continued):

Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Potter. Responding to Councilman Schulz, Mr. Catania confirmed that the truck is ready for delivery. Councilman Smolic inquired if the Service Department will attempt to buy similar trucks going forward, noting that parts would be interchangeable on similar trucks. Mr. Catania noted that he would like to purchase the same type of chassis going forward. Councilman Skrbis noted that Mr. Catania was able to obtain a price that is lower than the price indicated in the legislation. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

Sandy Metz, 10663 Angela Drive, stated that she is here to support the community cats and would like to propose that Kirtland do something with the trap, neuter, release program. She stated that community members need to be educated with regard to feral cats, and that making a law not allowing residents to feed feral cats would not be humane, but that reasonable guidelines should be put in place. She stated that the problem will not go away by not feeding the cats and that Kirtland should look at other communities that have had success with TNR. Councilman Smolic advised that Council has been looking at this intensely, noting that he has spent a lot of time on the ordinance and talked to several people that are in favor of TNR. He stated that there are health aspects that are being considered with regard to feeding of feral animals, noting that Council will be making a decision in the coming weeks.

Paul Kosir, 9654 Woodcroft Court, inquired when the City will resurface Woodcroft and Pinehurst, noting that the road condition is awful. Mayor Davidson advised that the paving plan should be done around the time the City approves the budget. The Mayor stated that he understands that the condition of Pinehurst is poor, especially near the intersection of Route 306; he noted that the City will pave as many roads as possible with the budget available. The Mayor advised that he will publish the paving plan in the Kirtland Chronicle and on the City website. Mr. Kosir stated the importance of doing the job properly with proper supervision.

David Sickles, Willoughby resident, thanked Council for their hard work on the animal ordinance. He noted that Council members received an e-mail yesterday from the Humane Society of the United States, and included was a copy of Jacksonville’s (Florida) feral cat ordinance, which has been in effect since 1990 and it is working. He stated that it contains common sense approaches to prevent attracting vermin into the area, and there are penalties if it is not done properly. Mr. Sickles stated that he has been in touch with several organizations who are more than willing to give free seminars to train people properly, which protects the public safety as well as the humane treatment and care of these animals. He stated that if the ban on feeding is in place, people will be forced to go underground and will be afraid to reach out for resources; additionally, the cats would not get vaccinated and spayed or neutered, so breeding would be out of control, as well as diseases. He stated that he hopes Council members will read the Jacksonville ordinance and give it consideration.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote and the meeting adjourned at 7:40 p.m.

President of Council

Clerk of Council