

KIRTLAND CITY COUNCIL MINUTES

December 7, 2015

The meeting of Kirtland City Council was called to order at 7:01 p.m. by Council President R. Robert Umholtz. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, Kevin Potter, Matthew Schulz, Robert Skrbis, Joseph Smolic and R. Robert Umholtz.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel F. Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton. Service Department Superintendent Thomas Coffield was present in the absence of Service Administrator Carm Catania.

MINUTES OF THE NOVEMBER 16, 2015 WORK SESSION:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, as presented, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 3/0/3 (VOTING YEA: SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: KIREK, POTTER AND SMOLIC).**

MINUTES OF THE NOVEMBER 16, 2015 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, as presented, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 3/0/3 (VOTING YEA: SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: KIREK, POTTER AND SMOLIC).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report was distributed last week.

Police Chief Wayne Baumgart did not present a formal report and no questions were asked of him.

Service Department Superintendent Thomas Coffield advised that the work on Route 6 should be completed by Thursday afternoon and the road will be opened to traffic in both directions.

City Engineer Philip Kiefer gave no formal report and no questions were asked of him.

Finance Director Keith Martinet advised that tonight's Board of Tax Review meeting has been rescheduled to follow the Council meeting on December 21, 2015.

Law Director Daniel Richards did not present a formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson advised that he began the first round of budget hearings for the 2016 budget. He noted that he met with the Department Heads on December 4 to review the department requests.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

With regard to the road work on Route 6, the Mayor noted that the City was contacted by a resident who had some concerns. Mayor Davidson stated his appreciation to the Service Department for responding so quickly. The Mayor noted that the pipe had deteriorated, there were cracks all the way across the road, and the water was washing the soil away. He noted that the Service Department expedited the repair and most of the work was done on Sunday so there was not as much impact to motorists.

Mayor Davidson thanked the Garden Club of Kirtland, who made the swags for road signs and for the decorations in City Hall. The Mayor thanked the Service Department for putting up the swags.

Mayor Davidson commended the Kirtland Hornets, noting that it was an incredible season.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 15-O-61 - (Second Reading) - **AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE MONTH PERIOD ENDING MARCH 31, 2016.**
(Mayor Tyler)

Read by title only and placed on Second Reading.

RESOLUTION NO. 15-R-62 - (Second Reading) - **A RESOLUTION DEDICATING THE STREETS IN THE LAZIO'S RIDGE SUBDIVISION, WHICH PLAT WAS PREVIOUSLY ACCEPTED FOR RECORD PURPOSES ONLY.**
(Mayor Tyler)

Read by title only and placed on Second Reading.

NEW BUSINESS:

ORDINANCE NO. 15-O-67 - **AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**
(Mayor Davidson)

Read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

NEW BUSINESS (continued):**RESOLUTION NO. 15-R-68
(Council as a Whole)**

- A RESOLUTION APPOINTING MAYOR DOUGLAS E. DAVIDSON AS PUBLIC SAFETY DIRECTOR, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

**RESOLUTION NO. 15-R-69
(Council as a Whole)**

- A RESOLUTION APPOINTING MAYOR DOUGLAS E. DAVIDSON AS PUBLIC SERVICE DIRECTOR, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

**ORDINANCE NO. 15-O-70
(Mayor Davidson)**

- AN ORDINANCE AMENDING ORDINANCE NO. 15-O-51 RELATING TO THE APPROPRIATION FOR THE YEAR 2016.

Read by title only. Mr. Skrbis moved to table the Ordinance, with the second by Mr. Schulz (Exhibit "A" not yet available). **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

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Before consideration of Resolution No. 15-R-71, Council President Umholtz requested that Council adjourn into executive session to for the purpose of discussing personnel, specifically the appointment to fill the vacancy of the unexpired term of Douglas E. Davidson, pursuant to Article I, Section 7(a) of the City Charter. Mr. Kirek so moved, with the second by Mr. Schulz. Noting that the remaining item will be the executive session and appointment of a Council member, Mayor Davidson requested that the Department Heads be dismissed at this time if there is no further need for their attendance at the meeting; Council had no objection.

Brian Siers, 10960 Crestwood Drive, stated that following the dog attack he previously brought to Council's attention, he and his wife both received a subpoena to testify, and the dog was found to be a dangerous dog. He stated that in the presence of the City Prosecutor and the County Prosecutor, the judge gave instructions that the dog must be on a leash at all times and must have a muzzle if taken out of the yard. Mr. Siers stated that the judge's instructions are not being followed, and the Police Department has been contacted but the Police do not have the information from the Court; he stated his frustration concerning the lack of communication. Police Chief Baumgart advised that Sgt. Nosse spoke with the Prosecutor today and a warrant is being issued; he stated that the part of the ordinance mentioned by the Judge did not have a penalty section, and they had to make sure there was a penalty section in order for a warrant to be issued.

Voting began on the motion to adjourn to executive session. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).** Council President Umholtz noted that Council will meet with each of the candidates, one at a time, in alphabetical order (Royal Brettrager, Kevin Eilerman, Richard Lowery, Susan Matticoli and Timothy Powell). The time was 7:18 p.m.

RETURN TO REGULAR SESSION:

Mr. Skrbis moved to adjourn the executive session, with the second of Mr. Kirek. The motion passed and the executive session adjourned upon unanimous vote at 9:10 p.m.; and the regular session of Council reconvened.

Council President Umholtz thanked each of the applicants for attending tonight's meeting and for their interest in being appointed to serve the City. Mr. Umholtz stated that Council spent a great deal of time discussing the merits of each candidate, noting that each of the candidates is very well qualified. Mr. Umholtz stated that he hopes all of the candidates will continue to show an interest in serving the City, noting that Mayor Davidson may have some other positions available now or in the near future. Mr. Umholtz stated that Council has reached a consensus, and it now needs to be put to a vote to determine whether an appointment can be made this evening.

NEW BUSINESS (continued):

RESOLUTION NO. 15-R-71 **(Council as a Whole)**

- **A RESOLUTION APPOINTING _____
AS A MEMBER OF THE KIRTLAND CITY COUNCIL TO
FILL THE UNEXPIRED TERM OF DOUGLAS E.
DAVIDSON, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).** Mr. Schulz moved to appoint Kevin Eilerman to the unexpired term, declare an emergency and adopt, with the second by Mr. Kirek. In discussion, Councilman Potter reiterated that the candidates are phenomenal and that he was proud to take part in interviewing the candidates; he encouraged the candidates to stay involved. Councilman Skrbis noted that each of the candidates has a passion for the City; he stated his thanks to all. Councilman Schulz noted that each candidate had the same heart as Kirtland's football team on the field; he thanked all the candidates for their willingness to serve and encouraged them to stay involved. Councilman Kirek thanked the candidates for their interest, noting that each brought their strengths; he stated that it is impressive to see so many people willing to serve the City and that he hopes each candidate will join in serving the City in some capacity. Councilman Smolic thanked the candidates for their interest, noting that it was a pleasure to meet each one. Council President Umholtz spoke to each of the candidates, stating his pleasure in meeting Mrs. Matticoli for the first time this evening, renewing a friendship with Mr. Lowery, and for his long-time friendship with Mr. Brettrager and Mr. Powell, noting that Mr. Powell is one of his best friends and has demonstrated his love for the City his entire life. Mr. Umholtz noted that Mr. Eilerman has been serving the City for almost 12 years. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Kirek thanked Council for the fruit basket following his recent surgery.

Mayor Davidson noted that each year around December 7, Jim Naughton used to remind him to recognize Pearl Harbor Day at the Council meeting. Mayor Davidson noted that it was a special generation.

Councilman Schulz welcomed the Clerk of Council back following her medical leave. Council President Umholtz noted that Mrs. Petersburg did an excellent job in the Clerk's absence.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 9:22 p.m.

President of Council

Clerk of Council