

KIRTLAND CITY COUNCIL MINUTES

May 15, 2017

The meeting of Kirtland City Council was called to order at 7:08 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: Kevin Eilerman, 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 Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton. Police Lieutenant Lance Nosse was also present.

MINUTES OF THE MAY 3, 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 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE).**

MINUTES OF THE MAY 3, 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 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart advised that he would like to recognize a couple individuals with awards from the Police Department. For the 2016 officer of the year, Chief Baumgart recognized Officer Chuck Tercek, noting that he has been with the Department longer than the other officers, and he has always been consistent and thorough. Chief Baumgart stated that Officer Tercek had an opportunity to become a sergeant, noting that he placed highest on the assessment process for sergeant, but he chose to remain on patrol because that is the job he prefers. Chief Baumgart noted that Officer Tercek will receive a ribbon for his uniform and a medal. For the 2016 employee of the year, Chief Baumgart recognized Cindy Gabor, noting that she has done a phenomenal job as his assistant. Chief Baumgart stated that Mrs. Gabor has willingly taken on additional work and expanded her responsibilities, and that she is extremely valuable to the Police Department. Mrs. Gabor stated that she enjoys her job, noting that she works with a great group of people.

Officer Tercek and Cindy Gabor received the applause of all those present and the congratulations of the Administration and Council members.

Chief Baumgart introduced Rick James, the Police Department's chaplain, who is in the audience. The Chief stated that he is the Department's first official chaplain, noting that he has gone along on some of the calls.

DEPARTMENT REPORTS (continued):

Council President Umholtz stated appreciation for both Officer Tercek and Cindy Gabor, noting that he believes Kirtland's safety forces are the best in Ohio.

Chief Baumgart noted that today is his 17th anniversary with the City of Kirtland; he noted that Kirtland is a wonderful place to work.

Service Administrator Carm Catania did not present a formal report. Councilman Smolic inquired about the Raccoon Hill project. Mr. Catania stated that the structure for the south side should be installed later this week.

Councilman Smolic inquired what is next on the schedule after Eagle Road. Mr. Catania advised that some of the preliminary work will be done in Kirtland Lakes, including adjusting some of the driveway aprons; he noted that a letter will be sent to the property owners. Mr. Catania stated that the Department will begin paving.

Councilman Skrbis requested to speak with Mr. Catania or Mr. Kiefer following the Council meeting with regard to the water drainage issue on Jason Washburn's property at 10861 Chillicothe Road. Mr. Skrbis stated that he would like to follow-up with a phone call to Mr. Washburn.

With regard to the conditional use permit granted by the Planning and Zoning Commission for barn sales at the Route 6 and Route 306 intersection, Councilman Potter stated that it was his understanding that one of the conditions was to maintain the property. Mr. Potter stated that barns have been delivered to the property, but the grass was not cut beforehand. Mr. Catania stated that he will follow-up in this regard.

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

Finance Director Martinet gave no formal report. Councilman Potter inquired how often he gages the income and receipts. Mr. Martinet advised that money is received twice per month from RITA; he noted that presently the income is ahead of last year, but slightly behind budget.

Councilman Smolic inquired about the comparison for the auditor's report from last year to this year. Mr. Martinet advised that the carry-over is slightly more this year, but it is less than \$100,000. Mr. Martinet stated that the only variable is the city income tax, which is down \$25,000 from the budget.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated that he met with a representative last Wednesday with regard to the potential cell tower; he noted that a draft contract will be sent to the City. The Mayor stated that he will be working with the Law Director. He noted that these companies have a long list of sites and installations that is prioritized by how much traffic would come to the company on that particular site and the readiness of the site in all respects.

As he noted in the work session, Mayor Davidson stated that the decision on the grant for the crosswalk (which is with ODOT) is delayed; it is expected toward the end of June.

With regard to the cell tower, Councilman Smolic inquired if the revenue is similar to that discussed previously. Mayor Davidson stated that the general terms were discussed with Mr. Galloway in a work session; he noted that it would be for a one to three-year period, and the site has to be ready in all respects and permitted, then it will be prioritized based on a few other criteria.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Noting that there are only a couple weeks left of the school year, Councilman Potter inquired about having a thorough crosswalk study and inquired if there is any way to speed it up. Mayor Davidson stated that Tammy Jo Hughes was given a scope of work. He stated that the money has already been dedicated to the warrant study because of its importance, noting that the City can try to get the best timing for the study. The Mayor noted that it was important that the City engage in the grant process. The Mayor stated that he would be happy to discuss the scope of work with Mr. Potter after the Council meeting; he noted that the goal is to get a crosswalk in the right place and obtain money from the State, if possible.

Councilman Potter inquired about the lawn maintenance work at City Hall and the Community Center. Mayor Davidson noted that head count is being reduced by one in the Service Department as a result of Larry Spence's retirement. The Mayor noted that Justin Gollin is taking Larry Spence's place as sexton, and he will be in charge of maintenance of the facilities. The Mayor stated that rather than incur the expenses associated with another full-time employee, the City decided to contract out the lawn maintenance, and an informal bidding process was held. The Mayor advised that a local vendor will be starting in June to take care of the lawn maintenance at City Hall, the Community Center and Fire Station No.1. He noted that it will allow the employees to maintain the four cemeteries, the recreation park and ballfields, and the four package plants.

STANDING COMMITTEE REPORTS:

Councilman Eilerman stated that the Planning and Zoning Standing Committee met following the last Council meeting and asked that the request for rezoning of property on Route 6 be sent to the Planning and Zoning Commission; the Commission has received that request and will research and evaluate, and they will provide feedback at their June meeting.

Additionally, Mr. Eilerman stated that the Planning and Zoning Commission reviewed the fee ordinance and recommended that it be sent to Council, with the Mayor's approval. Mr. Eilerman requested that Council members provide any feedback they may have to the Law Director, before the end of this month, regarding the fee structures that were previously distributed.

Councilman Eilerman stated that the Planning and Zoning Commission will also look into registration of rental properties, and they will determine whether this falls under their purview. Councilman Schulz noted that he had provided some information regarding the county's voluntary program for rental properties.

CORRESPONDENCE:

Council President Umholtz reported on the following:

1. Undated and unsigned letter from "a concerned citizen" regarding what the writer believes is an unauthorized business out of a home in Kirtland. Mr. Umholtz noted that he will give this letter to Mr. Catania.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:**ORDINANCE NO. 17-O-12
(Mayor Davidson)**

- (Third Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,040,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE CITY, THE CITY'S OUTSTANDING VARIOUS PURPOSE NOTES, SERIES 2016, DATED JUNE 22, 2016, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE).**

**ORDINANCE NO. 17-O-13
(Mayor Davidson)**

- (Third Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$400,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING A FIRE ENGINE, TOGETHER WITH RELATED APPARATUS AND EQUIPMENT, FOR USE BY THE CITY'S FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Eilerman. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE).**

**ORDINANCE NO. 17-O-14
(Mayor Davidson)**

- (Third Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE ROOF OF, AND RENOVATING AND OTHERWISE IMPROVING THE CITY HALL BUILDING, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE).**

**RESOLUTION NO. 17-R-15
(Mayor Davidson)**

- (Third Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 30, 2017 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only. Mr. Skrbis moved to adopt, with the second by Mr. Eilerman. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE).**

NEW BUSINESS:**RESOLUTION NO. 17-R-18**
(Mayor Davidson)

- **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW 2017 FORD UTILITY POLICE INTERCEPTOR FOR USE BY THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Read by title only. Responding to Councilman Kirek, Law Director Richards advised that the revocation and repealing of the previous Resolution is contained within this legislation. Mr. Eilerman moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Noting that two Council members will be absent on June 5, Councilman Skrbis inquired about any new business that will be on the agenda. Mayor Davidson noted that it should be a sparse agenda.

Councilman Skrbis advised that he will not be available for the July 3 Council meeting. Councilman Schulz advised that he will not be available for the July 3 or July 10 Council meetings.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Eilerman moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 7:44 p.m.

President of Council

Clerk of Council