

KIRTLAND CITY COUNCIL MINUTES

July 3, 2017

The meeting of Kirtland City Council was called to order at 7:14 p.m. by Council President R. Robert Umholtz. Mr. Potter led the prayer which followed the Pledge of Allegiance. The members of Council present were: Kevin Eilerman, Kevin Potter, Joseph Smolic and R. Robert Umholtz. Absent: David Kirek, Matthew Schulz and Robert Skrbis.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton. Police Lieutenant Lance Nosse was also present.

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Council Rules were suspended in order to consider the New Business out of sequence.

NEW BUSINESS:

RESOLUTION NO. 17-R-27 - **A RESOLUTION COMMENDING WAYNE C. BAUMGART FOR HIS DEDICATED SERVICE TO THE CITY OF KIRTLAND AS POLICE CHIEF.**
(Mayor and Council)

Council President Umholtz read the Resolution in its entirety. The commendation was presented to Chief Baumgart, and he received the applause of all those present. Chief Baumgart expressed his gratitude and noted that it has been wonderful to serve in Kirtland. Council President Umholtz noted that Chief Baumgart is the fourth and longest-serving Police Chief since he has been on Council; he noted that Chief Baumgart has become a good friend and will be missed.

RESOLUTION NO. 17-R-28 - **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LANCE R. NOSSE AS POLICE CHIEF, ESTABLISHING A WAGE AND FEE ARRANGEMENT, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Council President Umholtz noted that although Council does not have the necessary members available to pass the resolution and declare it an emergency, the Mayor will deputize Lieutenant Nosse as Kirtland's new Police Chief. Lieutenant Nosse came forward with his wife, and Mayor Davidson administered the Oath of Office. Police Chief Nosse received congratulations from Council members and the Administration, and he received the applause of all those present. A brief change of command ceremony followed.

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MINUTES OF THE JUNE 19, 2017 WORK SESSION:

Mr. Potter moved to waive the reading of the minutes, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote. Mr. Potter moved to adopt the Minutes, as presented, with the second by Mr. Eilerman. **ROLL CALL: MOTION CARRIED 4/0 (VOTING YEA: SMOLIC, UMHOLTZ, EILERMAN AND POTTER. VOTING NAY: NONE).**

MINUTES OF THE JUNE 19, 2017 COUNCIL MEETING:

Mr. Eilerman moved to waive the reading of the minutes, with the second by Mr. Potter. The motion of Council passed by unanimous vote. Mr. Eilerman moved to adopt the Minutes, as presented, with the second by Mr. Potter. **ROLL CALL: MOTION CARRIED 4/0 (VOTING YEA: SMOLIC, UMHOLTZ, EILERMAN AND POTTER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

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

Service Administrator Carm Catania thanked the Mayor and Council for addressing the complaints received about traffic while the recent work was done on Route 306. Mr. Catania stated that the road will be repaired next week, noting that the work should take about 1-1/2 days.

Councilman Smolic inquired if the work on Eagle Road is complete. Mr. Catania advised that it needs to be striped and landscaping work needs to be completed. Mr. Smolic inquired what will be addressed next. Mr. Catania stated that there is some sewer work to be done on the crossover on Heath, and Kirtland Lakes Estates will be addressed.

Councilman Eilerman commented that the Department did a nice job on Eagle Road.

City Engineer Philip Kiefer stated that he distributed his monthly report for June. Councilman Smolic inquired if there is a completion date for Raccoon Hill and whether the project is still within budget. Mr. Kiefer stated that the only issue has been weather, which has slowed things down.

Law Director Daniel Richards did not present a formal report and no questions were asked of him. Councilman Potter inquired if there has been any follow-up regarding the resident's concerns at the last meeting about vehicles parked on the lawn on Forestdale. Mr. Catania stated that he has been working on this with the Police Chief. Mr. Potter referenced a section in Kirtland's code that addresses vehicles parked on the lawn. Mr. Catania stated that there is nothing in the zoning code that addresses the number of vehicles that can be parked at a residence, but they have to be parked on an improved surface.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson congratulated Chief Hutton and the Fire Department, noting that they received an Aid to Firefighters' Grant for \$73,900 for advanced equipment for the squads. The Mayor noted that the Service Administrator and the City Engineer also obtained Ohio Public Works Commission funds for the City in the amount of \$400,000 for the Route 306 slope stabilization and Eagle Road.

With regard to the traffic on Route 306 during the work on the hillside, the Mayor noted that the road was dangerous and the work needed to be done.

Mayor Davidson stated that the Friends of the Library will be holding three concerts in the gazebo in front of City Hall, and that the Library will be showing some family friendly movies during July, August and September.

The Mayor stated that thoughts are with Councilman David Kirek, noting that he was unable to attend tonight's meeting due to a medical issue.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Davidson stated that he would like to schedule a Finance Committee (Council as a Whole) meeting following the July 10 Council meeting, to discuss the CRA in greater detail.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Bridget Welter, 10396 Wilbert Drive, addressed Council with regard to a request for four outdoor pickleball courts; several other residents were also present in this regard. She stated that it has become very popular, and many seniors have begun playing. She stated that the current indoor court can accommodate only four players at a time, while twenty others are sitting and waiting to play. Ms. Welter stated that the large room is available for them to play only on Mondays and Fridays from 11:30 a.m. until 2:00 p.m. Ms. Welter stated that the seniors enjoy playing pickleball, and she hopes that Council will be able to accommodate them in this request.

Debbie Gifford stated that they started pickleball at the Kirtland Senior Center in February; she noted that they have two volunteer coaches who came from the Willoughby Senior Center and have now joined the Kirtland Senior Center. Ms. Gifford stated that there are 35 players on their roster. She presented Council with photographs of the seniors playing pickleball, four on the court with many seniors sitting and waiting. Ms. Gifford stated that pickleball is a mixture of tennis, racquetball and ping pong. She also provided a handout of information regarding pickleball, including the rules and court dimensions. Ms. Gifford stated that pickleball has become very popular, noting that in Mentor the tennis courts have all been converted to pickleball courts; she noted that four pickleball courts can fit into one tennis court. Ms. Gifford stated that pickleball is an aerobic exercise and is beneficial for wellness at any age. She stated that they have to tape the room off, set up the net and line up the chairs every time they play at the Kirtland Senior Center. She stated that there are two to four new people that come each week. Ms. Gifford stated that she hopes Council finds room in the budget to build four outdoor courts that can be shared by the entire community.

Janet Jodlowski, 9150 Florence Drive, inquired why they can play only twice a week, noting that the large room is not usually in use. Ms. Gifford stated that they cannot play when there is something going on in the room next door, because it can get noisy.

Council President Umholtz stated that the budget is tight, but the Mayor and Mr. Catania will discuss this request. The Mayor thanked the seniors for attending the meeting, noting that he and Mr. Catania will look into a solution.

Tom Katona, Chesterland resident, stated that he is one of the coaches for pickleball, noting that the popularity has grown quickly at the Kirtland Senior Center. Mr. Katona advised that the courts would need to be fenced; he suggested that the City look at the courts in Mentor or Willoughby. He noted that a wind barrier would also be needed. He stated that he believes the courts would get a lot of use.

Councilman Smolic commented that pickleball is an activity that is enjoyed by people of all ages, not only senior citizens.

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

Police Chief Wayne Baumgart stated that the Police Department received confirmation from the Governor's office this week stating that Kirtland is one of the 50 safest cities in Ohio (Kirtland is No. 20). Responding to Councilman Potter regarding Mr. Gustafarro's concern about vehicles parked on Forestdale, Chief Baumgart advised that they are still looking into this matter.

Mary Ellen Struze, 10518 Briar Hill Drive, addressed Council with regard to Police Department procedure. She stated that on June 23, 2017, a friend and his wife were stopped by the Kirtland Police Department because of an unlit headlight. She stated that the driver was arrested, fined and released a few hours later. She stated that the treatment to her friends was respectful and kind, but she takes issue with the Department's unconstitutional standard procedure to contact ICE when there is an encounter with an undocumented immigrant. She stated that the local Police Department should not act similar to a national police force, noting that there are law enforcement agencies already assigned to that job. Ms. Struze stated that when an undocumented immigrant checks out to not have a criminal record, gang or drug affiliation, there is no need to call ICE; and she recommended that the elected officials assist the Police Department in developing a humane and clearly understood policy that would comply with the Constitution and eliminate the need to spend taxpayer money on unnecessary legal fees; she referred to a situation in Painesville that encouraged racial profiling and is costing city tax dollars in proceedings. She advised that HOLA is a resource that can help cities develop policies in this regard. She stated that the officers should be able to execute discretionary judgment when leniency is warranted.

Council President Umholtz thanked Ms. Struze for addressing Council. Mr. Umholtz stated that it appears to him that she is suggesting that the Kirtland Police Department not enforce Federal law, only State and local law; he stated that he personally does not agree with that type of policy. Mr. Umholtz stated that if the Mayor or Council feel that the City's policies need to change, they will address that in a work session or a Safety Committee meeting.

Kathleen Baka, 9174 Regency Woods Drive, stated that she is a member of the organization "People Power" sponsored by the American Civil Liberties Union, and they are asking people to go to their local community to find out what written policy is in place regarding handling of undocumented immigrants. Ms. Baka stated that she has been advised that the Kirtland Police Department does not have a written policy, so the police officers are on their own regarding what should be done in a given situation. She asked that the City formulate a policy, noting that the American Civil Liberties Union has a nine-point policy that can be adopted. Ms. Baka stated that she recently found out that Judge Fields, who is the municipal judge for Kirtland, has a specific policy; she noted that he does not allow ICE into his courthouse. She read his policy, and she provided a copy of that policy and the ACLU's nine-point policy to the Clerk of Council.

Council President Umholtz noted that if an immigrant has not provided the proper entry Visa, it is illegal entry. Mr. Umholtz stated that it is his opinion, and that of other judges, that Judge Fields has taken a position that is contrary to law; he pointed out that Judge Fields will no longer be the Municipal Court Judge after December. Mr. Umholtz stated that when Kirtland's officers are sworn-in, they are sworn to uphold and support the Constitution of the United States. Mr. Umholtz stated that the Mayor and the Police Chief will determine if Kirtland needs a policy specifically addressing illegal immigrants.

Janet Jodlowski, 9150 Florence Drive, voiced her support to Ms. Struze and Ms. Baka and stated that she believes a good written policy that is not in violation of the law is a good thing; she stated she would rather see taxpayer money spent on pickleball courts than in court proceedings.

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

Rob McCoy, 7946 Euclid-Chardon Road, stated that his house is located between the Kirtland Veterinary Center and Angela Drive; he noted that the cable guy was on the street about a month ago and stated that he was afraid on the pole because of the traffic on Route 6. He stated that this is a dangerous area, noting that there have been accidents and near-accidents. He stated that he believes more tickets need to be issued. Mr. McCoy stated that he talked to the Mayor regarding an idea about the lot next to Angelo's Pizza. Mayor Davidson stated that a number of unpermitted occupants have been chased off that property; he noted that the sheds are permitted. The Mayor noted that he will look forward to speaking with Mr. McCoy.

OLD BUSINESS:

RESOLUTION NO. 17-R-19 - (Third Reading) - A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2018.
(Mayor Davidson)

Read by title only. Mr. Eilerman moved to adopt, with the second by Mr. Potter. ROLL CALL: ADOPTED 4/0 (VOTING YEA: SMOLIC, UMHOLTZ, EILERMAN AND POTTER. VOTING NAY: NONE).

ORDINANCE NO. 17-O-20 - (Third Reading) - AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 236.07 RELATING TO THE FEES, DEPOSITS AND EXPENSES, RELATED TO THE PROCESSING OF APPLICATIONS FOR A VARIETY OF PURPOSES AND REASONS, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

Read by title only. Mr. Eilerman moved to adopt, with the second by Mr. Smolic. ROLL CALL: ADOPTED 4/0 (VOTING YEA: SMOLIC, UMHOLTZ, EILERMAN AND POTTER. VOTING NAY: NONE).

RESOLUTION NO. 17-R-22 - (Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW ROSENBAUER PUMPER FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

Read by title only and placed on Second Reading.

ORDINANCE NO. 17-O-25 - (Tabled) - AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE NORTH ROUTE 306 CORRIDOR COMMUNITY REINVESTMENT AREA IN THE CITY OF KIRTLAND, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.
(Mayor Davidson)

The legislation remains tabled.

OLD BUSINESS (continued):

ORDINANCE NO. 17-O-26
(Mayor Davidson)

- (Tabled) - AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE SOUTH ROUTE 6 CORRIDOR COMMUNITY REINVESTMENT AREA IN THE CITY OF KIRTLAND, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.

The legislation remains tabled.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Potter stated that he spent the past week in El Salvador on a mission trip. He noted that he has appreciation for this country’s freedom of speech, and he stated that it is humbling to be here.

Mayor Davidson expressed his wishes to all for a safe and happy 4th of July.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Eilerman moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 8:27 p.m.

President of Council

Clerk of Council