

KIRTLAND CITY COUNCIL MINUTES

October 16, 2017

The meeting of Kirtland City Council was called to order at 7:07 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, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

PUBLIC HEARING

**Ordinance No. 17-O-25 and No. 17-O-26
Proposed Community Reinvestment Areas**

Council President Pro Tempore Skrbis opened the public hearing in this regard. There were no questions or comments from the public.

Referring to Section VIII, Councilman Smolic noted that there is a chance that the membership of the Tax Incentive Review Council may not be a majority of Kirtland residents. Council President Pro Tempore Skrbis noted that this will be discussed under Old Business. There were no further comments, and Mr. Skrbis closed the public hearing.

MINUTES OF THE OCTOBER 2, 2017 WORK SESSION:

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: KIREK, POTTER, SCHULZ, SMOLIC AND EILERMAN. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

MINUTES OF THE OCTOBER 2, 2017 COUNCIL MEETING:

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: KIREK, POTTER, SCHULZ, SMOLIC AND EILERMAN. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report has been distributed. Councilman Potter inquired if a flashing light is needed in front of the fire stations. Chief Hutton stated that he is not aware of any issues with not having a light.

Police Chief Lance Nosse advised that the formal report has been distributed. Chief Nosse stated that he is working with the Mayor on a program to utilize the lobby of City Hall as an internet purchase safety exchange location, noting the proximity of the Police Department and that the lobby is recorded 24/7. He noted that it can also be used by parents/guardians for safe exchange of children. Chief Nosse stated that the Council doors would be locked. Chief Nosse stated that there would be no cost to the City, and that the location would be included on the program's internet registry and on the phone app.

DEPARTMENT REPORTS (continued):

Service Administrator Carm Catania did not present a formal report. Councilman Schulz inquired if there is any update from CEI regarding the light at Hobart and Chapin Ledges. Mr. Catania advised that he will follow-up on this matter.

Councilman Schulz stated that he received a call from a resident regarding oil on the road from Waste Management. Mayor Davidson stated that a resident provided a picture of an oil slick in front of his house from the Waste Management trucks; he noted that the Waste Management representative, Vince Crawford, has been contacted with regard to addressing the issue of the leaking truck on Kirtland's roads.

Responding to an inquiry from Councilman Potter, Mr. Catania advised that more patching will be done this year, until the asphalt plants close.

Councilman Potter inquired about street lighting at Glen Park and Charlesderry. Mr. Catania stated that he will follow-up with the representative, noting that sometimes there is a long wait.

Councilman Smolic inquired about the curbing that was saw-cut on Singlefoot and Arborhurst. Mr. Catania stated that it will probably be left alone since it has not moved; he noted that it may be crack sealed.

City Engineer Philip Kiefer did not present a formal report. Councilman Potter inquired if the dam at New Promise Church is inspected regularly. Noting that there is a dam for the detention basin, Mr. Kiefer stated that the detention basin, including the dam, is subject to inspection; he noted that because of the height, the dam is not subject to the same type of inspection that would be done by ODNR.

Finance Director Keith Martinet advised that the September financial statements will be posted and distributed by the end of the week, including posting on the City website by next Monday.

Councilman Schulz inquired about year-to-date tax receipts. Mr. Martinet stated that receipts are ahead by approximately \$10,000 (two percent) from this time last year. Councilman Potter inquired if the benefit has come through yet from the work done at Lakeland. Mr. Martinet noted that has not yet been determined.

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 Tammy Jo Hughes of CT Consultants advised that the completed warrant study is expected in November. The Mayor noted that without grant money, the City will need to look for funding in next year's budget.

STANDING COMMITTEE REPORTS:

Councilman Schulz noted that he submitted a three-page letter to the Mayor requesting a "roll-up" for the road levy, along with associated questions, which answers will be forthcoming at the November 8 meeting.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Scott Haymer, 8110 Forestdale Drive, stated that he had a meeting this morning at the end of his driveway with Tom from Waste Management, noting that his road is severely affected by the leaking trucks. Mr. Haymer stated that he has been calling and texting Waste Management in this regard. Mayor Davidson stated that his office contacted the Waste Management representative and he is expecting some results. Councilman Schulz noted that he also contacted Vince Crawford on Mr. Haymer's behalf.

OLD BUSINESS:**ORDINANCE NO. 17-O-25**
(Mayor Davidson)

- **(Third Reading) - 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.**

Councilman Smolic inquired about changing language in Section VIII to require membership of the Tax Incentive Review Council to be a majority of Kirtland residents. Mayor Davidson noted that typically there would be a request from the Mayor to the County Commissioners proposing names of potential appointees. Discussion ensued. Councilman Skrbis noted the importance of naming qualified individuals.

Councilman Skrbis stated that the Law Director has recommended an amendment to the language in Section VIII to clarify references to the Tax Incentive Review Council, the Community Reinvestment Housing Council and the City Council. Mr. Kirek moved to amend the language in Section VIII as recommended by the Law Director. Mr. Potter provided the second. **ROLL CALL: MOTION CARRIED: 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).** As a result of the amendment, the legislation reverts to Second Reading. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

Betsy Phillips, 9148 Timothy Lane, stated that it was not clear to her whether it was decided to require Kirtland residents on the board and how it affects the legislation. She requested a brief overview of the matter. Council President Pro Tempore Skrbis advised that the subject of the Community Reinvestment Area has gone through many months of conversation, noting that it now deals with only commercial and industrial property and that residential property has been removed. Mr. Skrbis stated that a Housing Officer and a Community Reinvestment Area Council will be appointed as part of the program. Mr. Skrbis noted that applications would be handled on a case-by-case basis, and an application that is approved would be reviewed every year. Mr. Skrbis stated that some of the appointments are done through the County, noting that qualified candidates are needed on the Tax Incentive Review Council. He stated that the ordinance will require that at least two of those members must be Kirtland residents; he noted that this can be reviewed in the future and changed to require a majority of Kirtland residents.

Councilman Potter stated that the Housing Council will inspect the properties every year and report to the Tax Incentive Review Council and City Council.

Mr. Potter moved to adopt Ordinance No. 17-O-25, as amended. Mr. Smolic provided the second. **ROLL CALL: ADOPTED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

OLD BUSINESS (continued):

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

- **(Third Reading) - 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.**

Councilman Skrbis stated that the Law Director’s recommended amendment to the language in Section VIII also applies to this Ordinance to clarify references to the Tax Incentive Review Council, the Community Reinvestment Housing Council and the City Council. Mr. Kirek moved to amend the language in Section VIII as recommended by the Law Director. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED: 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).** As a result of the amendment, the legislation reverts to Second Reading. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).** For the benefit of the public, Mr. Skrbis noted that this Ordinance is written the same as Ordinance No. 17-O-25, except that this Ordinance relates to the Route 6 corridor and the previous Ordinance relates to the Route 306 corridor.

Mr. Potter moved to adopt Ordinance No. 17-O-26, as amended. Mr. Kirek provided the second. **ROLL CALL: ADOPTED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

RESOLUTION NO. 17-R-33
(Mayor Davidson)

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

Read by title only. Mr. Schulz moved to adopt, with the second by Mr. Eilerman. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND EILERMAN. VOTING NAY: NONE).**

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Council President Pro Tempore Skrbis stated that he would entertain a motion to suspend Council Rules in order to change the sequence of New Business and consider Ordinance No. 17-O-34 last (after Resolution No. 17-R-37). Mr. Eilerman so moved, and Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND EILERMAN. VOTING NAY: NONE).**

NEW BUSINESS:

ORDINANCE NO. 17-O-35 - **AN ORDINANCE AMENDING CHAPTER 1248 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO IMPROVEMENTS IN THE SUBDIVISION REGULATIONS.**
(Council President Umholtz)

Read by title only. For the benefit of the public in attendance, Councilman Smolic requested a general overview of the changes. Councilman Schulz stated that he discussed the roadway standards with the paving engineer at ODOT. Mr. Schulz stated that the changes will provide for a higher quality of roadway in new developments, which will reduce the City's costs. He noted that underground utilities will also be beneficial. Mr. Schulz noted that green streets are also incorporated, and he thanked Mr. Catania, Mr. Kiefer, and the Planning and Zoning Commission for their work on the ordinance. Mr. Schulz noted that the road standards should be revisited every three to five years as specifications change.

Mr. Kiefer stated that the roads will have longer life as the result of this ordinance, noting that the addition of chemical stabilization of the base is a big improvement. Mr. Kiefer noted that other changes include extending the warranty period from one year to two years, along with changes to the ODOT specification numbering system that needs to be updated in the ordinance.

In summary, Mr. Skrbis stated that this is an ordinance that will improve the standards of subdivision regulations and the manner in which streets are constructed.

The legislation was placed on First Reading.

ORDINANCE NO. 17-O-36 - **AN ORDINANCE AMENDING SECTION 1268.04(d) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO OFF-STREET PARKING IN RESIDENTIAL DISTRICTS.**
(Council President Umholtz)

Read by title only. Mr. Potter moved to table the Ordinance until Council has had an opportunity to review this in depth. Mr. Smolic provided the second. Council President Pro Tempore Skrbis referred this Ordinance to the Planning and Zoning Standing Committee for review.

Betsy Phillips, 9148 Timothy Lane, inquired if the public will be invited to the standing committee work sessions. She stated that it was difficult to find a draft of the ordinance, and that she was not able to access the codified ordinances from the City's website; she noted that the header states that it is updated only through September of 2016. Ms. Phillips stated that this legislation makes reference to other ordinances, and without easy access to the accompanying ordinances, it is difficult as a citizen to give a productive review. She noted that some of the things missing that would be in related ordinances include penalties, appeal periods, how these matters come to the attention of the City, whether by resident-driven complaints or by the Zoning Inspector. Councilman Smolic stated that work sessions are always open to the public, noting that notices are published in the News-Herald prior to the meeting.

Council President Pro Tempore Skrbis noted that a proposed ordinance will not be on the codified ordinances link of the website, but she should be able to access the existing ordinances by trying a different browser.

Mayor Davidson stated that according to protocol, the document referred by the Planning and Zoning Commission must be submitted to the President of Council and placed on first reading on the Council agenda. The Mayor noted that Council recognizes the importance of this issue and is wisely sending it to Standing Committee for review and discussion.

NEW BUSINESS – ORDINANCE NO. 17-O-36 (continued):

Tim Blankenship, 8050 Forestdale, inquired if this will be voted on. Council President Pro Tempore Skrbis advised that Council intends to table the ordinance and it will be reviewed by the Standing Committee; he noted that the committee will hold work sessions before this is removed from the table.

Pam Klann, 7856 Russellhurst Drive, inquired if the agenda is on the City website. Council advised her that the agenda is posted on the website on Friday before the meeting. She inquired about the committee. Mr. Skrbis advised that the Standing Committee consists of three Council members and that their meetings are open to the public and that public comments are usually accepted. Ms. Klann stated concern about the effects of this ordinance on the farming community and the horse community.

Voting began on the motion to table the Ordinance. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND EILERMAN. VOTING NAY: NONE).**

RESOLUTION NO. 17-R-37 - **A RESOLUTION TO AUTHORIZE AND APPROVE (Mayor Davidson)** **TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE DECEMBER 31, 2017 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only and placed on First Reading.

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ADJOURN INTO EXECUTIVE SESSION:

Mr. Schulz moved to adjourn into executive session to review negotiations with public employees pursuant to Article I, Section 7(d) of the City Charter. Mr. Eilerman provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND EILERMAN. VOTING NAY: NONE).** The time was 8:03 p.m.

RETURN TO REGULAR SESSION:

The executive session was adjourned and the regular session of Council reconvened at 8:48 p.m.

NEW BUSINESS (continued)

ORDINANCE NO. 17-O-34 - **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER (Mayor Davidson)** **INTO A CONTRACT WITH THE KIRTLAND PROFESSIONAL FIREFIGHTERS LOCAL 3735, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Potter. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Potter stated that the City can apply for funding through the State for a performance audit, noting that this provides an audit of the departments. Mr. Potter noted that he will provide Council members with information and a draft resolution in this regard.

Councilman Schulz inquired if the Mayor’s memo and the Firefighters’ contract is a public record. Mr. Richards stated that he will review this before he provides an opinion.

With regard to the now tabled ordinance relating to off-street parking, Councilman Eilerman noted that he and Planning and Zoning Commission Chairman Denk have notes from the public sessions in this regard. Mr. Eilerman stated that he would like to hold a Standing Committee meeting in this regard next month.

Councilman Smolic stated that it would be helpful to have the budget passed before the end of the year, so that if contractors are used for the roads, bids can be done earlier and contracts can be scheduled earlier in the year. Mayor Davidson advised that the timing of the budget is in the Charter. Discussion ensued in this regard.

Mayor Davidson commended Council for getting the CRA legislation passed, noting that it was a lot of work and a good debate.

PUBLIC COMMENTS:

None.

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 9:02 p.m.

President of Council

Clerk of Council