

KIRTLAND CITY COUNCIL MINUTES

December 1, 2014

The meeting of Kirtland City Council was called to order at 7:04 p.m. by Councilman R. Robert Umholtz. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: William Catania, Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis and R. Robert Umholtz.

Administrative personnel present were: Mayor Mark A. Tyler, 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.

ORGANIZATIONAL MEETING:

RESOLUTION NO. 14-R-65 (Council as a Whole)

- A RESOLUTION RECORDING THE ELECTION OF THE PRESIDENT OF COUNCIL FOR THE TERM ENDING NOVEMBER 30, 2015, AND DECLARING AN EMERGENCY.

Mr. Umholtz announced that nominations were open for the Office of President of Council. Mr. Davidson nominated Mr. Umholtz, with the second by Mr. Skrbis. There being no further nominations, Mr. Powell moved to close the nominations, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

The legislation was read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).** Mr. Kirek moved to declare an emergency and adopt the legislation recording Mr. Umholtz as President of Council. Mr. Schulz provided the second. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SKRBIS, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

RESOLUTION NO. 14-R-66 (Council as a Whole)

- A RESOLUTION RECORDING THE ELECTION OF THE COUNCIL PRESIDENT PRO TEMPORE FOR THE TERM ENDING NOVEMBER 30, 2015, AND DECLARING AN EMERGENCY.

Mr. Umholtz announced that nominations were open for the Office of Council President Pro Tempore. Mr. Skrbis nominated Mr. Powell, with the second by Mr. Catania. There being no further nominations, Mr. Davidson moved to close the nominations, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK AND SCHULZ. VOTING NAY: NONE. ABSTAINING: POWELL).**

The legislation was read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK AND SCHULZ. VOTING NAY: NONE. ABSTAINING: POWELL).** Mr. Kirek moved to declare an emergency and adopt the legislation recording Mr. Powell as Council President Pro Tempore. Mr. Schulz provided the second. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK AND SCHULZ. VOTING NAY: NONE. ABSTAINING: POWELL).**

ORGANIZATIONAL MEETING (continued):

RESOLUTION NO. 14-R-67 - **A RESOLUTION APPOINTING DENISE A. ROELLE AS CLERK OF COUNCIL AND ESTABLISHING WAGE AND DUTIES, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt the resolution, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

RESOLUTION NO. 14-R-68 - **A RESOLUTION RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2014, THROUGH NOVEMBER 30, 2015, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

REGULAR MEETING:**MINUTES OF THE NOVEMBER 17, 2014 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, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart stated that the monthly report has been distributed. Chief Baumgart thanked Council for their kindness following his surgery.

Service Administrator Carm Catania did not present a formal report. Councilman Schulz noted that there are a lot of stacked dead pines on the old VFW property, and they appear to be encroaching on the road right-of-way. Mr. Catania noted that he spoke with the property owner last week in this regard; he noted that he will follow up with the owner.

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

Finance Director Keith Martinet gave no formal report. Responding to Councilman Davidson, Mr. Martinet advised that he can report on the receipts at the next meeting.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler advised that the annual ecumenical Thanksgiving church service was held at the Temple on Tuesday evening, and the Historic Kirtland lighting ceremony was held late afternoon on Friday.

Mayor Tyler congratulated the Kirtland Hornets, noting that they will be playing in the State championship football game for the fourth year in a row. The Mayor noted that Superintendent Barrett has advised that a pep rally will be held on Wednesday, and the game is at 3:00 on Friday and will be aired on television on Sport Time Ohio.

Mayor Tyler noted that Chief Baumgart is doing well after his surgery and has returned to work on a part-time basis for the time being. The Mayor noted that Chief Hutton attended to a fire in Willoughby today following his regular hours at Kirtland.

Mayor Tyler advised that the City received the final Certificate of Result for the road levy from the Board of Elections; it passed at 60.1 percent.

Mayor Tyler advised that prior to tonight's meeting, he administered the oath of office to Mr. Powell to return as Ward 3 Councilman.

With regard to Board and Commission appointments, Mayor Tyler advised that appointments are expiring at the end of the year for Joe Vinciguerra of the Planning and Zoning Commission and Marvin Bahr of the Board of Zoning Appeals, noting that the reappointments should be on an upcoming agenda. He noted that Council members should contact him if they have any questions.

The Mayor advised that he and Mr. Martinet have begun the budget hearing process.

STANDING COMMITTEE REPORTS:

As Chairman of the Recreation Standing Committee, Councilman Skrbis noted that he provided to each Council member and the Mayor a memo with two basic proposals that the Committee recommends to Council to present to the City and the Mayor. Mr. Skrbis stated that there have been a lot of requests from civic organizations and youth leagues to move forward; he noted that the lack of a design has been a stumbling block. Mr. Skrbis stated that the Committee believes that the design process should be the first step. Noting that it was not the intent to build immediately following the purchase of the property, Mr. Skrbis stated that the City has owned the property on Route 6 for ten years, and at this point in time there is enough goodwill from residents to coordinate a plan. Mr. Skrbis stated that the Committee recommends that the City secure a design firm to help design the plan, as the first step; and to establish an account to allow for donations for this cause. Mr. Skrbis stated that he would like to move forward as soon as possible. Responding to an inquiry from Councilman Kirek regarding charitable contributions, Finance Director Martinet advised that the City can set up a special revenue account, and contributions would be tax deductible as long as the contributor does not receive personal gain.

Councilman Powell inquired if the Committee met with anyone representing the school. Mr. Skrbis stated that a member of the School Board was present at one meeting, and he noted that many of the people involved in the youth leagues also have children in the school. Mr. Powell inquired whether the Committee has determined the number of fields that are needed. Brief discussion followed, and Mr. Skrbis noted that this will be addressed in the design phase. Following discussion, it was agreed by Council members that a work session be scheduled following the next regular Council meeting. Mr. Umholtz requested that the Mayor contact Cawrse and Associates, noting that the City has worked with them in the past. Mr. Umholtz noted that if the preliminary issues can be addressed at the work session, Council can possibly take action at the first meeting in January. Council President Umholtz requested that the Clerk of Council publish public notice of a work session following the December 15 Council meeting.

STANDING COMMITTEE REPORTS (continued):

Councilman Schulz noted that the Public Relations Standing Committee will meet following tonight's Council meeting.

CORRESPONDENCE:

Council President Umholtz reported on the following:

1. Letter dated December 1, 2014 from Keith McCrory, Commander of the American Legion Barber Williams Post 609, advising that the membership voted to reimburse the City for the cost of the sign for Specialist James Allen Knop, who was killed in Iraq in 2005 and whose family lives in Kirtland.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Police Chief Baumgart showed Council the AAA Platinum Award for Safety, which the City received once again. Mayor Tyler congratulated Chief Baumgart, Chief Hutton and Carm Catania, along with Lynn Kravos and Amy Buchanan, for the joint effort in receiving this award for the City. The Mayor noted that Kirtland consistently ranks as one of the safest cities in northeast Ohio. Noting that it is a group effort, Chief Baumgart commended Lynn Kravos for her preparation of the report each year.

OLD BUSINESS:

ORDINANCE NO. 14-O-62 - **(Second Reading) - AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE MONTH PERIOD ENDING MARCH 31, 2015.**
(Mayor Tyler)

Read by title only and placed on Second Reading.

ORDINANCE NO. 14-O-63 - **(Second Reading) - AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**
(Mayor Tyler)

Read by title only and placed on Second Reading.

NEW BUSINESS:

ORDINANCE NO. 14-O-69 - **AN ORDINANCE AMENDING SECTION 1450.01 (b) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO SUFFICIENT WATER SUPPLY FROM THE PREMISES FOR WHICH THE BUILDING PERMIT IS SOUGHT.**
(Council President Umholtz)

Read by title only. Responding to Councilman Davidson regarding a current situation, Mr. Richards advised that the property owner obtained a letter from a well driller stating that there was sufficient water from the existing well for a premises on the vacant property; the Health District agreed that it was a

NEW BUSINESS - ORDINANCE NO. 14-O-69 (continued):

suitable water supply, and the Building Department indicated it would issue a permit. Mr. Richards stated that he advised that it would be appropriate for an easement to be conveyed to the adjoining property to guarantee that water would always be supplied to the vacant lot. Mr. Richards noted that the current situation may be grandfathered since an application has been submitted. The legislation was placed on First Reading.

ORDINANCE NO. 14-O-70
(Mayor Tyler)

- **AN ORDINANCE TO ADOPT AND IMPLEMENT THE PROCEDURES UNDER CHAPTER 5722 OF THE OHIO REVISED CODE TO FACILITATE REUTILIZATION OF NONPRODUCTIVE LAND SITUATED WITHIN THE CITY OF KIRTLAND, OHIO.**

Read by title only. Councilman Schulz inquired about Section V, which allows the City to dispose of the property without competitive bidding. Mr. Richards noted that this was initiated by the vacant property that was determined by the Court to be available for reclamation by either the City, the School District or the Land Reutilization Corporation; and it was determined that the City was interested in the property and wanted to preserve it for purposes that would serve a public interest in the way of easements for drainage. He noted that the Ohio Revised Code allows the City to adopt an ordinance based upon ORC Section 5722 to give the City proper authority. Council President Umholtz noted that Section V would not prohibit the City from engaging in a competitive bidding process, but it can be dispensed with if appropriate for the situation. The legislation was placed on First Reading.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Umholtz welcomed Councilman Powell back to City Council.

PUBLIC COMMENTS:

Mayor Tyler noted that a new assistant, Helen Petersburg, has been hired for the Mayor's office and began work today; he stated that she is very well qualified.

ADJOURNMENT:

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

President of Council

Clerk of Council