

KIRTLAND CITY COUNCIL MINUTES

January 5, 2015

The meeting of Kirtland City Council was called to order at 7:05 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: William Catania, Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz and R. Robert Umholtz. Absent: Robert Skrbis.

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.

MINUTES OF THE DECEMBER 15, 2014 WORK SESSION:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, POWELL AND SCHULZ. VOTING NAY: NONE. ABSTAINING: KIREK).**

MINUTES OF THE DECEMBER 15, 2014 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Catania. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, POWELL AND SCHULZ. VOTING NAY: NONE. ABSTAINING: KIREK).**

MINUTES OF THE DECEMBER 15, 2014 WORK SESSION (FOLLOWING COUNCIL MEETING):

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Catania. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, POWELL AND SCHULZ. VOTING NAY: NONE. ABSTAINING: KIREK).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart advised that there were very few problems over the holidays. Chief Baumgart noted that the formal monthly report is now also an annual report, which includes a summary for the year.

Service Administrator Carm Catania gave no formal report and no questions were asked of him.

City Engineer Philip Kiefer advised that his monthly report for December has been distributed. Councilman Davidson stated that he has concern about the access road to the recreation park behind the school, noting that the concrete drainage pipes that comprise the right hand side (north side) are displaced. He also noted that there is significant sloughing on the hill on Route 306 and in other places. Mr. Kiefer stated that he and Service Administrator Catania will look at this.

DEPARTMENT REPORTS (continued):

Noting that there has been past discussion regarding filling part of the ravine at the recreation park to gain parking or ball field space, Council President Umholtz inquired about the limitations. Mr. Kiefer noted that since not much of the stream itself would be enclosed, the City should be able to get a permit and advise the Corps of Engineers of the project; he noted that the Corps of Engineers has the regulations. Mr. Kiefer noted that there have been discussions with Lake County Stormwater to do the work as a design build. With regard to scheduling, Mr. Kiefer stated that he will work with Mr. Catania to determine the best time to do the work. There was discussion concerning the extent of the desired fill and obtaining fill material.

Finance Director Keith Martinet advised that he is working on the budget and year-end closing. With regard to the new police contract on tonight's agenda, Councilman Davidson requested a summary of the changes. Mayor Tyler noted that this will be addressed later in the meeting. Council President Umholtz suggested that Council convene into executive session to discuss the contract negotiations.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler noted that the Senior Center Christmas party was held on December 16 at Pine Ridge. The Mayor noted that it was a nice event and it was well attended, and he publicly thanked Jenna Hull for her efforts.

The Mayor announced that a tentative agreement has been reached with the Police union; he thanked Chief Baumgart, Sergeant Nosse and Officer Valenti for their work on the contract. Noting that legislation is on tonight's agenda, Mayor Tyler requested that Council waive the three readings and adopt the legislation as an emergency, after discussion, to facilitate wage increases for employees.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 14-O-69
(Council President Umholtz)

- **(Third Reading) - 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.**

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

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

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

- **(Third Reading) - 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. Mr. Kirek moved to adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

NEW BUSINESS:**RESOLUTION NO. 15-R-1**
(Mayor and Council)

- **A RESOLUTION ACKNOWLEDGING THE EFFORTS OF MR. RICHARD L. BLUM AS CAMPAIGN MANAGER FOR THE KIRTLAND ROAD LEVY CAMPAIGN.**

The Resolution was read in its entirety by Council President Umholtz. Mr. Schulz moved to waive the three readings, with the second by Mr. Powell. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).** Mr. Davidson moved to declare an emergency and adopt, with the second by Mr. Schulz. Councilman Davidson commented that Mr. Blum was a pleasure to work with on the levy campaign. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

The commendation was presented to Richard Blum, and he received the applause of all those present. Mr. Blum thanked the Mayor and Council for the Resolution. Mr. Blum stated that the Mayor asked him to run the campaign and provided the consultant, Burges & Burges, noting that Vanessa and Brian of Burges & Burges developed the strategy. Mr. Blum noted that the campaign was an effort by a quality team, consisting of the Mayor and Keith Martinet, who addressed fundraising; Carm Catania took care of getting the road signs out and picked up, along with working the phone banks with his wife; Chief Baumgart shared information with the churches and handled the social media, and also worked the phone banks; Chief Hutton took care of getting all of the community meetings scheduled; and he thanked Council members for attending those meetings and talking to the community about the road levy. Mr. Blum thanked his citizen volunteers, noting that Dr. Porter served as a committee chair and took care of the mailings to the absentee voters, and he also helped with road signs and phone banks. Mr. Blum also acknowledged Carole Clutter, Jane Carle, Hank Schenk and Junior Orick, noting that these citizens gave of their time and made a lot of phone calls. Mr. Blum thanked Council for their involvement and participation, noting that everyone's efforts made the campaign a success. Mr. Blum also thanked Christine Speece, Julie Loxterman and Denise Roelle for helping with the phone banks; he thanked Sandy Tyler, who did a tremendous amount of work entering the data from the phone banks; and he thanked Kevin Eilerman, who worked at the polls all day on Election Day. Mr. Blum noted that many people contributed their time and efforts to the campaign.

Mr. Umholtz conveyed Council's deepest appreciation and thanks to Mr. Blum.

NEW BUSINESS (continued):

RESOLUTION NO. 15-R-2
(Mayor Tyler)

- **A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND, 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: 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 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

RESOLUTION NO. 15-R-3
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF WENDY C. HUTTON TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**

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

RESOLUTION NO. 15-R-4
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DR. JAMES H. PORTER TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, 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: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Catania. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

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ADJOURN INTO EXECUTIVE SESSION:

At the request of Council President Umholtz, Mr. Kirek moved to adjourn into executive session, pursuant to Article I Section 7(d) of the City Charter, to discuss the contract negotiations with regard to Ordinance No. 15-O-5. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).** The executive session convened at 7:33 p.m.

RETURN TO REGULAR SESSION:

Mr. Davidson moved to adjourn the executive session, with the second of Mr. Kirek. The motion passed and the executive session adjourned upon unanimous vote at 8:09 p.m. The regular session of Council reconvened at 8:12 p.m.

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NEW BUSINESS (continued):

ORDINANCE NO. 15-O-5
(Mayor Tyler)

- **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.**

Read by title only. Council President Umholtz stated that he would entertain a motion to amend Ordinance No. 15-O-5 as follows: (1) The first paragraph in the legislation, which currently reads "Whereas, Council and the Administration have conducted negotiations...." shall be amended to read "Whereas, the Administration has conducted negotiations..."; (2) In Article IX on page 4 of the contract (Exhibit A), in Section 9.01, the first sentence, which currently reads "All newly hired members of the bargaining unit will be required to serve a probationary period of twelve (12) months" shall be amended to read "All newly hired members of the bargaining unit will be required to serve a probationary period of one (1) year", the purpose of which is to be consistent with Section 9.02, which uses the wording "one (1) year"; and (3) In Article XI, Section 11.05 at the top of page 6 of the contract, the language "...items included in the file shall be honored by the employee" shall be amended to read "...items included in the file shall be honored by the employer". Mr. Kirek so moved, and Mr. Catania seconded. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

Mr. Schulz moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt as amended, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: UMHOLTZ, CATANIA, DAVIDSON, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

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 8:19 p.m.

President of Council

Clerk of Council