

KIRTLAND CITY COUNCIL MINUTES

December 21, 2015

The meeting of Kirtland City Council was called to order at 7:03 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: 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 F. Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

ADMINISTRATION OF OATH OF OFFICE

Kevin D. Eilerman, Council-at-Large

Mayor Davidson administered the Oath of Office to Kevin D. Eilerman, Councilman-at-Large. Mr. Eilerman received the applause of all those present and the congratulations of the Administration and Council members.

MINUTES OF THE DECEMBER 1, 2015 ORGANIZATIONAL 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 6/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

MINUTES OF THE DECEMBER 7, 2015 WORK SESSION:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, as presented, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

MINUTES OF THE DECEMBER 7, 2015 COUNCIL MEETING:

Mr. Skrbis moved to waive the reading of the minutes, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. Mr. Skrbis moved to adopt the Minutes, as presented, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart did not present a formal report and no questions were asked of him; he wished everyone a Merry Christmas.

DEPARTMENT REPORTS (continued):

Service Administrator Carm Catania advised that the Mayor received a complaint about the traffic light at Joseph Street. Mr. Catania stated that Aqua Ohio performed a road repair there in October and they damaged the loop detector; he noted that the light is functioning, but there are some issues. Mr. Catania stated that he contacted Aqua Ohio, and they advised that they will send someone out to repair it as soon as possible; Mr. Catania suggested Signal Service for the repair. Mr. Catania wished everyone a Merry Christmas and a Happy New Year.

Councilman Kirek stated that he has received complaints about a large pothole on Kirtland-Chardon Road where Aqua Ohio cut across the road. Mr. Catania advised that he will apply cold patch and contact Aqua Ohio to repair it.

City Engineer Philip Kiefer gave no formal report; he wished Council and the Administration a Merry Christmas and Happy New Year.

With regard to the signal on Joseph Street, Councilman Schulz suggested that a five-second delay be considered for the right turn. Mr. Schulz stated that he also noticed that southbound traffic turning into the apartments runs over the left turn loop, noting that a five-second delay on each of these would prevent the signal from cycling. Fire Chief Hutton stated that the signal worked well before Aqua Ohio performed their work.

Finance Director Keith Martinet advised that he prepared, posted and distributed the November financial statements. Noting that there are three items on the agenda for the Finance Department, Mr. Martinet requested that all three be adopted at tonight's meeting. Mr. Martinet stated that work on the budget is ongoing and he plans to have it to Council by the beginning of February for passage in March. Mr. Martinet wished everyone a Merry Christmas.

Law Director Daniel Richards did not present a formal report; he extended his wishes to everyone for a Merry Christmas and Happy New Year.

Noting that a meeting was held several weeks ago with the residents of Parkwood, Councilman Schulz inquired when Council may see language regarding the dog ordinance. Mr. Richards stated that the Law Department is working on the ordinance; he noted that he hesitates to simply duplicate another city's ordinance without examining how it would be applied consistently in the City of Kirtland. Mr. Richards stated that a draft should be available sometime in January for the Standing Committee to review.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson wished everyone a Merry Christmas and Happy Holidays. He congratulated Jenna Hull for a tremendous senior holiday luncheon at Pine Ridge; he noted that it was well attended and it was a very nice event.

Mayor Davidson advised that he and Councilman Skrbis attended an economic development luncheon at Hellriegals, held by Lake County Port Authority Economic Development. The Mayor noted that Kirtland resident Tim Cahill is the director; he stated that he will be in touch with Mr. Cahill with regard to the City's objectives for the coming year.

Mayor Davidson noted that the second round of budget hearings was held with the Department Heads, noting that they are getting close to a product that can be shared with Council. The Mayor stated that Councilman Skrbis attended the first round, and three councilmen attended on Saturday and different factors were discussed.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor commended Service Administrator Catania for the rapid completion of the repair work on Route 6, noting that he obtained funds from Lake County Stormwater Management.

Mayor Davidson stated that School Superintendent Steve Barrett contacted the City last week with regard to a circumstance that was a safety concern; there was an open ditch where their sewer work had been done and no paving companies would assist them because of the size of the job. The Mayor noted that after Mr. Catania looked at it, the City did the work and the school paid for the paving material; he noted that it was very nice work and he is proud of the cooperation. Mayor Davidson noted that, as a result of that communication with the school, the City and the school will be sharing a snow plow for the sidewalks; when the school is done with their portion, the City will work on a portion of the sidewalks for safety purposes in the downtown area.

Referring to tonight's agenda, the Mayor noted that there are nine people being appointed or reappointed to various Boards and Commissions in the City. Mayor Davidson stated appreciation for these individuals extending or beginning their various positions.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 15-O-61 - (Third Reading) - **AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE MONTH PERIOD ENDING MARCH 31, 2016.**
(Mayor Tyler)

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

RESOLUTION NO. 15-R-62 - (Third Reading) - **A RESOLUTION DEDICATING THE STREETS IN THE LAZIO'S RIDGE SUBDIVISION, WHICH PLAT WAS PREVIOUSLY ACCEPTED FOR RECORD PURPOSES ONLY.**
(Mayor Tyler)

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

OLD BUSINESS (continued):

ORDINANCE NO. 15-O-70 - (Tabled) - **AN ORDINANCE AMENDING ORDINANCE NO. 15-O-51 RELATING TO THE APPROPRIATION FOR THE YEAR 2015.**
(Mayor Davidson)

Read by title only. Mr. Skrbis moved to remove the Ordinance from the table, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).** Mayor Davidson noted that Finance Director Martinet has requested that the three readings be waived; however an emergency is not required since it is an appropriation Ordinance. Mr. Martinet noted that the Ordinance also needs to be amended to include Exhibit "A", since it was not available at the last Council meeting. Mr. Skrbis moved to amend the Ordinance to include Exhibit "A" distributed by Finance Director Martinet. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

Mr. Martinet advised that there are two changes from the previously adopted appropriation. With regard to the wastewater treatment plants, Mr. Martinet stated that there was a large repair to the Rockwood plant, which was not originally appropriated but there are funds available; he noted that there are utilities at the Templeview Pump Station that were not originally appropriated but funds are available. Mr. Martinet stated that the second change is to the General Obligation Bond Fund; he noted that as Council is aware, \$350,000 was borrowed for the HVAC and roof repairs at City Hall and for the HVAC and roof at Fire Station No. 1; he advised that the money comes into the General Obligation Bond Fund and the City must appropriate to transfer it into the General Fund so the money can be spent. Mr. Martinet requested that Council waive the three readings because the Ordinance needs to be adopted by the end of the year. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).** Mr. Skrbis moved to adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 15-R-72 - **A RESOLUTION COMMENDING DR. WILLIAM J. KOENIG FOR HIS SERVICE TO THE CITY OF KIRTLAND ON THE BOARD OF ZONING APPEALS.**
(Mayor and Council)

The Resolution was read in its entirety by Council President Umholtz. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. 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: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

The commendation was presented to Dr. Koenig. Members of Council and the Administration expressed their appreciation to Dr. Koenig for his many years of service to the City, and he received the applause of all those present.

RESOLUTION NO. 15-R-73 - **A RESOLUTION ESTABLISHING STANDING COMMITTEES OF COUNCIL, AND DECLARING AN EMERGENCY.**
(Council President Umholtz)

NEW BUSINESS - RESOLUTION NO. 15-R-73 (continued):

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

RESOLUTION NO. 15-R-74 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF RICHARD L. BLUM TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Eilerman. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. 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: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 15-R-75 - **A RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY K. POWELL TO THE PLANNING AND ZONING COMMISSION TO FILL THE UNEXPIRED TERM OF KEVIN D. EILERMAN, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

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

RESOLUTION NO. 15-R-76 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF HARRY D. KEAGLER TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

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

RESOLUTION NO. 15-R-77 - **A RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD K. LOWERY TO THE BOARD OF ZONING APPEALS TO FILL THE UNEXPIRED TERM OF DR. WILLIAM J. KOENIG, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

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

NEW BUSINESS (continued):

RESOLUTION NO. 15-R-78 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF CARL E. JURRUS TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Eilerman. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. 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: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 15-R-79 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF WENDY C. HUTTON TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

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

RESOLUTION NO. 15-R-80 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DR. JAMES H. PORTER TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

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

ORDINANCE NO. 15-O-81 - **AN ORDINANCE LEVYING LIENS FOR DELINQUENT SANITARY SEWER CHARGES, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).** Mr. Martinet advised that the twelve property owners listed in the Ordinance will have their balances due placed on the tax duplicate. Noting that there are four package plants in the City, Mr. Martinet stated that certified letters are sent to the property owners that are more than one quarter behind in payment of their sanitary sewer charges, and the Ordinance is placed on the agenda at the last meeting of the year to give them plenty of opportunity to pay their balances before it is placed on the tax duplicate. Mr. Martinet recommended that the readings be waived and that the Ordinance be adopted as an emergency.

Responding to Councilman Schulz, Mr. Martinet stated that if there is any cost to the City, it is nominal. He advised that the City receives the payment when the real estate taxes are paid. Responding to Councilman Smolic, Mr. Martinet stated that if the balance due is placed on the tax duplicate now, it will be on the property owner's next tax bill.

NEW BUSINESS - ORDINANCE NO. 15-O-81 (continued):

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

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Noting that there have been recent conversations regarding the dog park, Councilman Skrbis inquired if he and the neighboring property owner can discuss the options with the Law Director following tonight's meeting. The Law Director agreed to discuss this matter following the meeting.

Councilman Potter stated his thanks to Mayor Davidson, Councilman Smolic and Councilman Eilerman, who attended a public information exchange with the residents of Ward 1 on Saturday at the Kirtland Library. Mr. Potter noted that he posted an invitation in the Kirtland Chronicle for the residents to discuss any concerns or issues that they may have. He noted that approximately six or seven residents attended and brought their concerns and ideas to the meeting. Councilman Smolic thanked Mr. Potter for his initiative in putting this meeting together.

Councilman Eilerman stated this thanks to Council for their confidence in appointing him to the Council-at-Large position. Mr. Eilerman stated that he looks forward to working with the members of Council and representing the residents of Kirtland.

Council President Umholtz wished everyone a Merry Christmas, and he reminded Council members of the meeting on January 20 with the Planning and Zoning Commission and the Board of Zoning Appeals.

As a reminder, Finance Director Martinet noted that a Board of Tax Review meeting will be held immediately following the conclusion of tonight's regular Council meeting.

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 7:43 p.m.

President of Council

Clerk of Council