

KIRTLAND CITY COUNCIL MINUTES

September 7, 2016

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: Kevin Eilerman, 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 and Fire Chief Anthony Hutton. Police Sergeant Lance Nosse was present in the absence of Police Chief Wayne Baumgart

MINUTES OF THE AUGUST 22, 2016 WORK SESSION:

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 6/0/1 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE. ABSTAINING: POTTER).**

MINUTES OF THE AUGUST 22, 2016 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, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE. ABSTAINING: POTTER).**

DEPARTMENT REPORTS:

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

Police Sergeant Lance Nosse advised that the monthly report has been distributed.

Finance Director Keith Martinet requested that Ordinance No. 16-O-33 and No. 16-O-34 be adopted at Second Reading, noting that one ordinance relates to purchase of the ambulance and the other is for the refinancing of the current notes. Mr. Martinet advised that the refinancing will lower the interest rate and save the City \$115,000 over the next two years, after the fees.

Mr. Martinet advised that Ordinance No. 16-R-37 (accepting the amounts and rates for the County to collect the levies) needs to be adopted no later than Second Reading at the next meeting.

Mr. Martinet advised that the State of Ohio is finishing up the audit, noting that the City received an "unqualified opinion" which is the highest opinion that can be received. He noted that there will be a post-audit conference on Monday, September 12, at 4:00 p.m. in the conference room; he noted that he and the Mayor will attend, and any Council members interested in attending are welcome.

Following up on an inquiry from Councilman Eilerman, Mr. Martinet stated that he contacted RITA regarding the processing of income tax returns; they indicated that they fell behind during the busy season but they have been caught up for a couple months.

DEPARTMENT REPORTS (continued):

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Noting that Service Administrator Catania is on vacation, Mayor Davidson stated that he can relay to him any questions that Council may have.

Mayor Davidson stated that the City has received authority to proceed on Eagle Road West, noting that work will begin subsequent to Mr. Catania's return next week.

The Mayor stated that the base work on Worrell Road was awarded to Specialized Construction; he noted that Kirtland will provide in-kind work on the hot mix asphalt on the top courses of the road. He noted that work on Worrell Road will be proceeding.

Mayor Davidson noted that news updates were included this week in the Chronicle and in the City newsletter.

Responding to Councilman Potter, Mayor Davidson stated that the work in front of City Hall is near completion, noting that the portion nearest the library has been seeded. The Mayor noted that consideration is being given to putting a liner in the flat area in case it is needed. He advised that it will be seeded by Fall. Responding to Councilman Skrbis, the Mayor noted that the liner could be used to provide an area for ice skating.

Councilman Skrbis requested that the Mayor pass a message to Mr. Catania; he noted that he received a call from Frank Nemeth of Cray Lane regarding drainage issues.

Responding to Councilman Smolic, Mayor Davidson stated that Eagle Road West will be done this year, noting that hot mix asphalt will be used as was used on Eagle Road East. The Mayor noted that the City crews will be doing the work. Mayor Davidson advised that Eagle Road and Worrell Road are the two largest projects remaining on this year's plan. The Mayor noted that any other road work for this year will be reviewed with the City Engineer and the Service Administrator, taking the budget into account. The Mayor advised that striping still needs to be done, noting that the plan is to have it all done at one time to save extra costs in having the contractor come out.

Councilman Smolic inquired about planning for added costs for CEM base repair, noting that it was likely not anticipated for the roads that have needed it. The Mayor stated that he will look to the City Engineer and the Service Administrator to provide that type of information in next year's road plan.

STANDING COMMITTEE REPORTS:

With regard to the Safety (Police and Fire) Standing Committee, Councilman Smolic stated that he will work with the Law Director to finalize the draft ordinance relating to dogs, and then a committee meeting will be scheduled.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 16-O-32
(Mayor Davidson)

- (Second Reading) - AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

ORDINANCE NO. 16-O-33
(Mayor Davidson)

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,275,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 2006, DATED JULY 25, 2006, AND DECLARING AN EMERGENCY.

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

ORDINANCE NO. 16-O-34
(Mayor Davidson)

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$200,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING AN AMBULANCE, INCLUDING RELATED EQUIPMENT AND APPARATUS, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Eilerman. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Eilerman. Responding to inquiries from Council, Chief Hutton advised that the lead time for the ambulance is approximately 120 days from passage of the Ordinance, and the power cot installation is included. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

OLD BUSINESS (continued):

RESOLUTION NO. 16-R-36
(Mayor Davidson)

- **(Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW 2017 MCCOY MILLER MEDIUM DUTY AMBULANCE FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Eilerman moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Smolic. Responding to Councilman Schulz, Chief Hutton stated that the service life for the ambulances is ten years front-line and five years as a reserve. Chief Hutton noted that the 1996 ambulance will be traded in for this purchase. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 16-R-37
(Mayor Davidson)

- **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Eilerman. Councilman Schulz inquired about the real property value placed on these levies currently and when they were passed. Referring to Schedule A, Finance Director Martinet advised that the left column is the outside millage and the right column is the inside millage. Mr. Martinet noted that inside millage will change as property values fluctuate; the outside millage is locked and the tax collected does not change when property values change. He noted that a renewal levy will continue to bring in the same amount of funds, but if a levy is replaced the funds will be based on current values. Mr. Martinet stated that 1 mill brings in \$237,000 now. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Schulz. Councilman Eilerman noted that the figures for the senior citizen/recreation levy are not included in this schedule because the levy has not yet been renewed. Mr. Martinet noted that a renewal levy will be on the ballot in November. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Noting that it is now football season, Councilman Skrbis inquired whether there has been any resolution regarding pedestrians crossing Route 306. Mayor Davidson stated that he spoke with Chief Baumgart prior to the recent game, and the Police Department conducted traffic control at the school's driveway on the far side of the football field. Noting the importance of sufficient lighting, the Mayor stated that he noticed that two utility lights are out; he advised that he will contact First Energy to get those replaced.

Councilman Potter inquired about the potential for a crosswalk, which would be used not only for football games but also for students on school days. There was discussion regarding the false sense of security that a crosswalk creates. Council President Umholtz noted that this was discussed at length previously. Mayor Davidson stated that he would be happy to look into this further and meet with the appropriate Standing Committee (Safety Committee). Discussion ensued, and Mr. Richards advised that this should be approached with the involvement of the City Engineer, the Police Department and the Kirtland Schools.

Councilman Potter noted that the Kirtland County Club is looking to amend their conditional use permit with regard to sound mitigation in the future; he noted that it would not affect this season. Mr. Potter noted that it was tabled due to lack of information from the Kirtland Country Club. Responding to an inquiry from Mr. Potter regarding next steps for Kirtland, Council President Umholtz stated that because of the potential for litigation, this should be discussed in executive session. Mr. Richards advised that this is a matter in process, and that there will be various considerations based on the outcome of the decision made by the Willoughby Planning Commission; he noted that there should not be discussion of those options at this time. Mr. Richards noted that this involves legal advice that should be imparted to the Mayor and Council in an executive session.

Councilman Eilerman noted that he will not be available for the next Council meeting on September 19.

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 7:38 p.m.

President of Council

Clerk of Council