

## KIRTLAND CITY COUNCIL MINUTES

December 5, 2016

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Councilman 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 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. 16-R-50 (Council as a Whole)

- **A RESOLUTION RECORDING THE ELECTION OF THE PRESIDENT OF COUNCIL FOR THE TERM ENDING NOVEMBER 30, 2017, AND DECLARING AN EMERGENCY.**

Mr. Umholtz announced that nominations were open for the Office of President of Council. Mr. Kirek nominated Mr. Umholtz, with the second by Mr. Potter. There being no further nominations, Mr. Kirek moved to close the nominations, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote.

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: SMOLIC, EILERMAN, KIREK, POTTER, SCHULZ AND SKRBIS. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).** Mr. Kirek moved to declare an emergency and adopt the legislation recording Mr. Umholtz as President of Council. Mr. Skrbis provided the second. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SMOLIC, EILERMAN, KIREK, POTTER, SCHULZ AND SKRBIS. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

#### RESOLUTION NO. 16-R-51 (Council as a Whole)

- **A RESOLUTION RECORDING THE ELECTION OF THE COUNCIL PRESIDENT PRO TEMPORE FOR THE TERM ENDING NOVEMBER 30, 2017, AND DECLARING AN EMERGENCY.**

Mr. Umholtz announced that nominations were open for the Office of Council President Pro Tempore. Mr. Potter nominated Mr. Skrbis, with the second by Mr. Eilerman. There being no further nominations, Mr. Kirek moved to close the nominations, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote.

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

**ORGANIZATIONAL MEETING (continued):**

**RESOLUTION NO. 16-R-52**  
**(Council as a Whole)**

- A RESOLUTION APPOINTING DENISE A. ROELLE AS CLERK OF COUNCIL AND ESTABLISHING WAGE AND DUTIES, 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: SMOLIC, UMHOLTZ, EILERMAN, KIREK, POTTER, SCHULZ AND SKRBIS. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt the resolution, with the second by Mr. Eilerman. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SMOLIC, UMHOLTZ, EILERMAN, KIREK, POTTER, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**RESOLUTION NO. 16-R-53**  
**(Council as a Whole)**

- A RESOLUTION RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2016, THROUGH NOVEMBER 30, 2017, AND DECLARING AN EMERGENCY.

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

**REGULAR MEETING:**

**MINUTES OF THE NOVEMBER 21, 2016 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, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, UMHOLTZ, EILERMAN, KIREK, POTTER, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**MINUTES OF THE NOVEMBER 21, 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, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, UMHOLTZ, EILERMAN, KIREK, POTTER, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

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Councilman Skrbis moved to suspend Council Rules in order to consider an item of New Business, Resolution No. 16-R-54, out of the agenda sequence. Councilman Schulz provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, UMHOLTZ, EILERMAN, KIREK, POTTER, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**RESOLUTION NO. 16-R-54**  
**(Mayor and Council)**

- **A RESOLUTION COMMENDING DELORIS C. PARSONS FOR HER SERVICE TO THE CITY OF KIRTLAND ON THE BOARD OF ZONING APPEALS.**

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

The commendation was presented to Mrs. Parsons and she received the warm applause of all those present. Mrs. Parsons stated her appreciation for this honor.

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**DEPARTMENT REPORTS:**

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

**Police Chief Wayne Baumgart** reported on the "Protect and Serve Tavern" at the Great Lakes Mall, noting that the police chiefs from Lake County are serving non-alcoholic drinks and reminding people to not drink and drive. Chief Baumgart noted that the police chiefs will be at the mall from 9:00 a.m. until 1:00 p.m. on Saturday.

**Service Administrator Carm Catania** did not present a formal report. Responding to Councilman Smolic, Mr. Catania stated that extensive drainage work will be done on Eagle Road next year. Mr. Catania noted that almost one mile of pipe will be installed, the size of the line is being increased, and there will be one cross-over pipe.

Responding to Councilman Schulz regarding the Raccoon Hill culvert project, Mr. Catania stated that the project is much more extensive than originally anticipated, noting that it is a design-build. Mr. Catania stated that a 22 ft. manhole will be replaced, noting that the existing 36 inch pipe under the road will be cleaned out and slip-lined with a 24 inch heavy-duty smooth interior plastic pipe. Mr. Catania stated that the funding has not yet been officially secured from Lake County Stormwater Management, but there was funding for engineering; he noted that the City should have an official response before the next Council meeting.

Responding to Councilman Potter, Mr. Catania noted that there is not a guarantee of funding. Noting that the daily operations of Lake County Stormwater Management are handled by Tim Miller, Mayor Davidson stated that Mr. Catania has been successful in working with Mr. Miller on many projects in the City. The Mayor noted that the legislation in this regard, Resolution No. 16-R-55, cannot be adopted until next year, based on the budget.

Councilman Smolic inquired about a starting and ending date. Mr. Catania advised that it is dependent on the weather; he noted that snow is more of a factor than temperature.

**DEPARTMENT REPORTS (continued):**

**City Engineer Philip Kiefer** advised that his monthly report has been distributed. Mr. Kiefer stated that there will be legislation relating to a Memorandum of Understanding with Lake County Soil & Water Conservation District to work with them on the erosion and sediment control ordinance. Mr. Kiefer noted that the legislation will be on the next agenda.

**Finance Director Keith Martinet** advised that the final appropriation will be available for the next meeting; noting that the major change is that the City borrowed money through the bond anticipation notes to order the rescue squad and put in the power cots. Mr. Martinet stated that he and the Mayor are still working on the 2017 budget, noting that it will be provided to Council early next year.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson publicly thanked the Garden Club of Kirtland for adorning the inside of City Hall, and he thanked Creighton Louis of Pumpkinville for providing some of the decorating materials. The Mayor thanked the Service Department for putting up the outdoor decorations.

Mayor Davidson thanked Deloris Parsons for her service to the City, noting that she provided the value of her experience and knowledge of the City.

Noting that a one-hour work session was held before the last Council meeting, the Mayor thanked the Clerk of Council for putting in the extra time to prepare the detailed minutes of that meeting.

Noting that December 7 is approaching, Mayor Davidson stated that each year Jim Naughton would remind him to make note of that remembrance for the meeting minutes.

Councilman Smolic inquired about the recent diesel spill. Fire Chief Hutton advised that approximately 1,000 gallons of diesel fuel was lost at the EOC (Emergency Operations Center) building; it was released into a creek, and it was contained by the Hazmat team. Chief Hutton noted that the cleanup is being overseen by Ohio EPA. The Chief noted that it went about 3000 feet downstream and was stopped before it got into the river, but the clean-up is pretty extensive, so it is taking a long time. Chief Hutton noted that it was an underground storage tank, and the tank has been replaced.

Councilman Potter inquired about the Ohio Community Capital Safety Grant that Chief Hutton mentioned at the work session as a possible funding source for a crosswalk. Chief Hutton stated that the City can receive only \$100,000 from this source, and the City is looking at writing a grant for the PSAP for dispatch, which will exceed \$100,000 and max out the grant amount.

Councilman Skrbis inquired about a recent e-mail from Joe Barklow of Kirtland Lakes Estates. Mayor Davidson stated that Mr. Catania sent a crew from the Service Department to address the issue of ponding in front of Mr. Barklow's mailbox. The Mayor noted that the other issue Mr. Barklow raised was the top coating of the entire road in Kirtland Lakes. Noting that the base course, drainage and asphalt paving in Kirtland Lakes used the entire levy budget two years ago, Mayor Davidson stated that the decision was made to start addressing other roads that are in disrepair rather than spending a large portion of the levy budget again in Kirtland Lakes. Mr. Skrbis noted that he will send a response to Mr. Barklow.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

Councilman Smolic inquired if the City incurred any costs as a result of the diesel spill. Mayor Davidson stated that the City responded because it is in Kirtland, but it is a County facility. Chief Hutton stated that the clean-up is covered through the County's insurance; the Hazmat team was reimbursed for their materials by the County. Chief Hutton stated that there was no cost to the City, other than some manpower cost.

Councilman Eilerman inquired if there are any additional updates about the skeet shooting. Noting that he has had some communication with the City of Willoughby, Mayor Davidson stated that there is a Willoughby Board of Zoning Appeals meeting scheduled for January. The Mayor stated that there will be a Common Pleas Court case brought forward by the Country Club, noting that the City of Willoughby has hired outside counsel to handle the case.

**STANDING COMMITTEE REPORTS:**

As Chairman of the Police & Fire (Safety) Standing Committee, Councilman Smolic noted that a couple changes were made to the dog ordinance. Mr. Richards stated that there have been no further comments from the Committee or Council and that a few minor changes were made to the draft. Mr. Richards advised that the ordinance will be on the agenda for the next Council meeting. Mr. Richards stated that he will circulate the final copy to all Council members, noting that Council will have an opportunity to make changes during the three readings of the ordinance.

Councilman Potter stated that, barring any changes to the Standing Committees, he suggests that a Public Relations Standing Committee be scheduled following the December 19 meeting. He noted that he will follow up with the Clerk of Council to provide notice.

With regard to Committee assignments, Council President Umholtz stated that unless any Council members are dissatisfied with their existing assignment, he suggests that the Committees remain the same. Mr. Umholtz requested that Council members contact him if they would like a different committee assignment.

**CORRESPONDENCE:**

Council President Umholtz reported on the following:

1. Report on disk by the Ohio Public Utilities Commission regarding Aqua Ohio's application for rate increase. Mr. Umholtz noted that the Clerk of Council will have the disk available if any Council members are interested in looking at the report.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

None.

**OLD BUSINESS:**

**ORDINANCE NO. 16-O-48** - (Second Reading) - AN ORDINANCE PROVIDING  
**(Mayor Davidson)** TEMPORARY APPROPRIATIONS FOR THE  
THREE MONTH PERIOD ENDING MARCH 31,  
2017.

Read by title only and placed on Second Reading.

**ORDINANCE NO. 16-O-49** - (Second Reading) - AN ORDINANCE DESIG-  
**(Mayor Davidson)** NATING FINANCIAL INSTITUTIONS AS PUBLIC  
DEPOSITORIES.

Read by title only and placed on Second Reading.

**NEW BUSINESS:**

**RESOLUTION NO. 16-R-55** - A RESOLUTION ACCEPTING THE BID OF  
**(Mayor Davidson)** BADGER TRANSFER, LLC, FOR THE RACCOON  
HILL DRIVE CULVERT CAPACITY RESTORA-  
TION PROJECT, AUTHORIZING THE MAYOR TO  
ENTER INTO A CONTRACT WITH BADGER  
TRANSFER, LLC, AND DECLARING AN  
EMERGENCY.

Read by title only and placed on First Reading.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Eilerman stated that the Charter requires a joint Planning and Zoning Commission and Council meeting in January, noting that typically members of the Board of Zoning Appeals and some Department Heads also attend. With regard to a proposed meeting date, Mr. Eilerman inquired about holding the meeting following Council's regular meeting on Wednesday, January 18, 2017. Council members were in agreement with the proposed meeting date.

Councilman Potter noted that the monthly "coffee with Council" will be held this Saturday at 9:00 a.m. in Council Chambers.

Councilman Potter thanked Mrs. Parsons for her service. He noted that he moved here with his family in 1986, and his first memory of a public figure is Mrs. Parsons at the library. Mr. Potter stated that she brought grace and dignity to the City, not only with the library but also with Kiwanis and the Board of Zoning Appeals.

**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 7:40 p.m.

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President of Council

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Clerk of Council