

KIRTLAND CITY COUNCIL MINUTES

June 19, 2017

The meeting of Kirtland City Council was called to order at 7:10 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 Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton. Police Lieutenant Lance Nosse was also present.

PUBLIC HEARING

Tax Budget for Fiscal Year 2018

Council President Umholtz opened the public hearing in this regard. Finance Director Martinet advised that, pursuant to State law, the City of Kirtland is required to hold a public hearing regarding the 2018 tax budget, which is submitted to the County. Mr. Martinet stated that the purpose of the tax budget is to demonstrate to the County Auditor the need the City has for the funds that have been voted on by the citizens. Mr. Martinet noted that a copy of the tax budget has been available for review in the Finance Office; he noted further that tonight's public hearing has been duly advertised as required.

There were no questions or comments from the public or from Council, and Council President Umholtz closed the public hearing.

PUBLIC HEARING

Proposed Ordinance Amending Section 236.07 Relating to Fees, Deposits and Expenses for Processing of Applications

Council President Umholtz opened the public hearing in this regard. Councilman Smolic inquired if any of the fees have been increased. Mayor Davidson advised that the purpose of the ordinance is to co-locate the fees, noting that Council, if it so chooses, can review and adjust the fees to the City's actual costs.

There were no questions or comments from the public, and Council President Umholtz closed the public hearing.

MINUTES OF THE JUNE 5, 2017 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 5/0/2 (VOTING YEA: SKRBIS, SMOLIC, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE. ABSTAINING: UMHOLTZ AND EILERMAN).**

MINUTES OF THE JUNE 5, 2017 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 5/0/2 (VOTING YEA: SKRBIS, SMOLIC, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE. ABSTAINING: UMHOLTZ AND EILERMAN).**

MINUTES OF THE JUNE 5, 2017 FINANCE COMMITTEE 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. Referring to the second to last paragraph on page two, Councilman Potter stated that following his comments regarding the CRA and the abatement for EDP Consultants, he had also noted that some would make the argument that EDP Consultants would have moved to Kirtland anyway, regardless of the \$14,000 abatement. Mr. Potter moved to amend the minutes to add this language since it relates to future discussion regarding the CRA. Mayor Davidson noted that Mr. Petraus (from SME, formerly EDP Consultants) offered to attend the public hearing and speak to this issue. Upon discussion, Mr. Potter withdrew his motion to amend, requesting instead that his additional comment, as stated above, be reflected here in tonight's meeting minutes.

Voting began on the motion to approve the minutes. **ROLL CALL: MOTION CARRIED 5/0/2 (VOTING YEA: SKRBIS, SMOLIC, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE. ABSTAINING: UMHOLTZ AND EILERMAN).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report. Councilman Smolic stated that he appreciated the tour of the squad at the Strawberry Festival. Chief Hutton noted that the new squad has a roomier interior than the older squad. The Chief invited Council members to stop by the Fire Department to see the squad.

Police Chief Wayne Baumgart advised that there were no major issues during the Strawberry Festival; he noted there was one small incident of theft against the carnival workers, which was addressed. Councilman Potter commented that the police presence at the festival makes everyone feel safe; he referred to a personal incident, noting that it was nice to have the police officers there. Mr. Potter commended Officer Tercek and Officer Keppler, noting that they helped clean up tables and chairs during the rainstorm when the festival was closing on Sunday.

City Engineer Philip Kiefer did not present a formal report. With regard to the work on the slope on Route 306, Councilman Schulz inquired about the anticipated time frame for the basin repair, and he inquired how long the traffic control will be in place. Mr. Kiefer stated that it will take one day for repair of the storm sewer, and the soil nailing will take four to five days. Mr. Kiefer stated that the road will be down to one lane only while they are working, and two lanes will be open at night.

Finance Director Martinet gave no formal report and no questions were asked of him.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson thanked Mr. Richards, Mr. Kiefer and Mrs. Roelle for their work in getting the CRA legislation on tonight's agenda.

Noting that Ann Potter was named "Miss Kirtland" at this year's Strawberry Festival, Mayor Davidson congratulated Miss Potter and Councilman Potter.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Noting that Council will present a Resolution to Marvin Bahr at tonight's meeting, Mayor Davidson stated that Mr. Bahr is a great role model and citizen, and he stated his appreciation for Mr. Bahr's contributions over the years.

Responding to Councilman Smolic regarding the crosswalk study, Mayor Davidson stated that the grant request has been submitted to ODOT; he noted that the City has not yet received a response but expects to hear something by the end of June. The Mayor stated that he does not have an update on the warrant study; he noted that it will be revisited once it has been determined if the City will receive a grant. Mr. Smolic inquired about scheduling a Safety Committee meeting for discussion with the schools and residents; the Mayor stated that the Standing Committee, at its determination, can schedule a meeting.

With regard to the skeet shooting, Mayor Davidson stated that there has been more correspondence; he noted that a request for information was submitted to the City of Willoughby regarding a study done by ACW. The Mayor stated that he intends to have information in this regard at the next meeting.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Richard Gustaferra, 8044 Forestdale Drive, addressed Council with regard to a parking issue on his street. He stated that the house next door is rented, and it cannot accommodate the number of cars that are there; he noted that they are parking on the front lawn and they have landscape vehicles that they park on the cul-de-sac. Mr. Gustaferra stated that it is distracting for the neighborhood, especially for him, since it is next to his house. Mr. Gustaferra stated that he has requested that the City look into this matter. Councilman Potter asked the Law Director what ordinance would apply to this issue. Law Director Richards stated that he cannot give an opinion on the matter tonight, noting that it is appropriate that the Department Heads provide the Law Department with a report, so the Law Department will have an opportunity to review the matter with regard to the City's Code of Ordinances and possibly the Ohio Revised Code. Council President Umholtz noted that at the work session, the Mayor discussed having Mr. Catania look into this matter with the Police Chief, and they will consult with the Mayor and Mr. Richards. Mr. Umholtz noted that one of the Department Heads will follow-up with Mr. Gustaferra. Chief Baumgart requested that Mr. Gustaferra leave his contact information with the Clerk of Council.

OLD BUSINESS:

RESOLUTION NO. 17-R-19
(Mayor Davidson)

- **(Second Reading) - A RESOLUTION ADOPTING A TAX
BUDGET FOR FISCAL YEAR 2018.**

Read by title only and placed on Second Reading.

OLD BUSINESS (continued):

- ORDINANCE NO. 17-O-20** - (Second Reading) - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 236.07 RELATING TO THE FEES, DEPOSITS AND EXPENSES, RELATED TO THE PROCESSING OF APPLICATIONS FOR A VARIETY OF PURPOSES AND REASONS, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only and placed on Second Reading.

NEW BUSINESS:

- RESOLUTION NO. 17-R-21** - **A RESOLUTION COMMENDING F. MARVIN BAHR FOR HIS SERVICE TO THE CITY OF KIRTLAND AS A MEMBER OF THE BOARD OF ZONING APPEALS.**
(Mayor and Council)

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

The commendation was presented to Mr. Bahr, and he received the applause of all those present. Law Director Richards stated that on behalf of the Law Department, he has had the opportunity to serve the Board of Zoning Appeals for many years, and he is appreciative of having Mr. Bahr chair the Board all those years. Mr. Richards noted that the Board of Zoning Appeals protects the residents against the unnecessary hardships that might be enforced upon them by carrying out the exact language of the ordinances; he stated that Mr. Bahr has always understood that very well and has done a great job on the Board of Zoning Appeals.

Mr. Bahr stated that he started serving on the Board shortly after Kirtland became a City, and there are a handful of other people that have had the opportunity to serve the City for many years. Mr. Bahr noted that there have been only two clerks during that time, and only four Law Directors; he noted that the City Engineer has also served the City for many years. He noted that many people have been willing to serve for long periods of time. Mr. Bahr stated that he appreciates the accolades and wishes he could do more for the City.

- RESOLUTION NO. 17-R-22** - **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW ROSENBAUER PUMPER FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

Read by title only. Councilman Schulz inquired about the useful life of a pumper. Chief Hutton stated that a new engine will have a useful life of 20 to 25 years. Chief Hutton stated that the engine that is being replaced is over 30 years old, and was worked hard in Willoughby before Kirtland obtained it; he noted that it has well exceeded its lifespan. Chief Hutton stated that the City should be in good shape and should not need another engine for approximately ten years. The legislation was placed on First Reading.

NEW BUSINESS (continued):**RESOLUTION NO. 17-R-23**
(Mayor Davidson)

- A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF KIRTLAND TO REAFFIRM ITS COMMITMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS TO PARTICIPATE IN THE URBAN ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FOR THE UTILIZATION OF FUNDS MADE AVAILABLE BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, 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: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Kirek. Responding to Councilman Smolic, Mayor Davidson noted that the City's participation with the Lake County Commissioners in the Community Development Block Grant program makes the position of the County stronger, although there is not a specific grant or issue before the City at this time. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE).**

RESOLUTION NO. 17-R-24
(Mayor Davidson)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF LAKE COUNTY COMMISSIONERS FOR THE PAVING OF ROUTE 306 AND APPOINTMENT OF THE LAKE COUNTY ENGINEER TO SERVE AS PROJECT MANAGER FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

Read by title only. Councilman Smolic inquired about the possibility of a bike/pedestrian path along Route 306. Mr. Kiefer noted that the City can submit a grant request to NOACA in the future.

Mr. Kiefer requested that Council waive the three readings for this legislation, noting that the design needs to be started in order to give ODOT sufficient time to proceed with their review. Mr. Kirek moved to waive the three readings, with the second by Mr. Eilerman. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Smolic.

Councilman Skrbis inquired when it would be appropriate to discuss a possible bike/pedestrian path, and whether the City would be missing out on an opportunity by not considering it now. Mayor Davidson stated that he asked the same question of the City Engineer earlier, noting that this this can be discussed in a work session. The Mayor noted the importance of entering into the agreement so that the design work can be done.

Voting began on the motion to adopt. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

NEW BUSINESS (continued):

ORDINANCE NO. 17-O-25
(Mayor Davidson)

- **AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE NORTH ROUTE 306 CORRIDOR COMMUNITY REINVESTMENT AREA IN THE CITY OF KIRTLAND, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.**

Read by title only. Councilman Potter inquired whether the housing officer position would be a paid position or a volunteer. Mayor Davidson stated that in this version of the legislation, the Zoning Inspector is the individual that is designated as the housing officer.

Mayor Davidson recommended that Council hold one or more meetings of the Finance Committee (Council as a Whole) to discuss Ordinance No. 17-O-25 and No. 17-O-26, noting that it is critical to the City's budget and finances in the medium term. The Mayor noted that there has been a great deal of effort to get the legislation to this point, noting that he is satisfied that the legislation can be implemented as proposed but Council has the opportunity to make changes. Mayor Davidson noted that a public hearing needs to be held, and there is expectation that the City will work with the School Board.

Upon discussion, Mr. Potter moved to table Ordinance No. 17-O-25 to give Council an opportunity for further review and discussion. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

ORDINANCE NO. 17-O-26
(Mayor Davidson)

- **AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE SOUTH ROUTE 6 CORRIDOR COMMUNITY REINVESTMENT AREA IN THE CITY OF KIRTLAND, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.**

Read by title only. Councilman Schulz noted that in Sections I and II on page 1, there is strike-through that was not deleted. In discussion, Mayor Davidson noted that the ten-year comprehensive plan and the existing zoning will remain in place and are not changed by the legislation.

Mr. Schulz moved to amend the legislation to delete the strike-through in Sections I and II. Mr. Skrbis provided the second. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

Upon discussion, Mr. Potter moved to table Ordinance No. 17-O-26 to give Council an opportunity for further review and discussion. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Schulz thanked Councilman Eilerman for bringing up the issues relating to rental properties.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Eilerman moved to adjourn, with the second by Mr. Kirek. The motion of Council passed by unanimous vote and the meeting adjourned at 8:00 p.m.

President of Council

Clerk of Council