

## KIRTLAND CITY COUNCIL MINUTES

November 8, 2017

The meeting of Kirtland City Council was called to order at 7:07 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 Lance Nosse and Fire Chief Anthony Hutton.

### **PUBLIC HEARING**

**Ordinance No. 17-O-35**

**Proposed Amendments to Chapter 1248 – Improvements in Subdivision Regulations**

Council President Umholtz opened the public hearing in this regard.

Mayor Davidson stated that the purpose of this amendment is to ensure that new roads are installed to the best possible standards. The Mayor stated that Councilman Schulz and City Engineer Kiefer brought the higher standards into the design, noting that it also includes information on green roads.

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

### **MINUTES OF THE OCTOBER 16, 2017 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: POTTER, SCHULZ, SKRBIS, SMOLIC, EILERMAN AND KIREK. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

### **MINUTES OF THE OCTOBER 16, 2017 COUNCIL MEETING:**

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

### **DEPARTMENT REPORTS:**

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

**Police Chief Lance Nosse** advised that the formal report has been distributed. Chief Nosse reported on the attempted Subway robbery, noting that two people are in custody. He commended Officer Phillips for doing a wonderful job in this regard, noting that there is still work to be done on this matter.

Responding to Councilman Schulz, Chief Nosse addressed the incident that occurred at the Community Center regarding a gentleman who went inside to vote and said some words that resulted in the Police Department being contacted. Chief Nosse stated that there was not enough evidence to prove he committed a crime.

**DEPARTMENT REPORTS (continued):**

**Service Administrator Carm Catania** did not present a formal report. Responding to Councilman Potter regarding a call from a resident in the Maple/Joseph/Coudry neighborhood, Mr. Catania stated that Lake County Health Department does some monitoring through Lake County Stormwater Management for illicit discharge, which was found at the outfalls. He noted that enough was found to warrant having the storm sewers jet-cleaned and televised; Lake County Sewer Company was hired to come out and do that work. Mr. Catania stated that the Health Department will report back to the Mayor.

**City Engineer Philip Kiefer** advised that his monthly report for October has been distributed. Noting that he will e-mail some pictures, Councilman Smolic stated that a retention pond on Route 6 with a spillway has one wall broken out and it is washing out, creating a problem for Mr. Soeder on Rockwood Drive. Mr. Kiefer stated that it is a pond with a spillway (not a detention/retention pond).

**Finance Director Keith Martinet** advised that the October financial statements should be distributed next week. He noted that he is working on the budget.

Councilman Eilerman noted it appears that approximately 80 percent of the revenues have been collected, and the amount is close to last year. Mr. Martinet noted that last month was good for City income tax receipts.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson stated that the draft warrant study for the crosswalk has been received, and it can now proceed to a design and engineering estimate.

With regard to the proposed new cell tower, Mayor Davidson stated that discussion began with Administration and City Council, and the application has been submitted to Planning and Zoning as required by the City's Ordinances. The Mayor noted that there will be many opportunities for residents to be heard with regard to the cell tower, both at Planning and Zoning and when the application is brought before City Council. The Mayor noted that it is an aesthetic vs. financial consideration.

Mayor Davidson recognized and congratulated John Lesnick and Rich Lowery, along with Councilman Schulz, with regard to the Council-at-Large election. The Mayor stated his appreciation for all who ran for various offices throughout the County.

**STANDING COMMITTEE REPORTS:**

Councilman Eilerman noted as a reminder that the Planning and Zoning Standing Committee will meet following the conclusion of the Council meeting.

**CORRESPONDENCE:**

None.

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

None.

**OLD BUSINESS:**

- ORDINANCE NO. 17-O-35** - (Second Reading) - AN ORDINANCE AMENDING CHAPTER 1248 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO IMPROVEMENTS IN THE SUBDIVISION REGULATIONS.  
(Council President Umholtz)

Read by title only and placed on Second Reading.

- ORDINANCE NO. 17-O-36** - (Tabled) - AN ORDINANCE AMENDING SECTION 1268.04(d) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO OFF-STREET PARKING IN RESIDENTIAL DISTRICTS.  
(Council President Umholtz)

The legislation remains tabled. Council President Umholtz stated that this has been referred to the Planning and Zoning Standing Committee for review, noting that there will be plenty of opportunity for concerned residents to attend the Standing Committee meetings and the Council meeting when it comes back before Council with a recommendation from the Standing Committee.

- RESOLUTION NO. 17-R-37** - (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE DECEMBER 31, 2017 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.  
(Mayor Davidson)

Read by title only and placed on Second Reading.

**NEW BUSINESS:**

- ORDINANCE NO. 17-O-38** - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.  
(Mayor Davidson)

Council President Umholtz stated that he would entertain a motion to suspend the rules of Council and place this item at the end of the meeting agenda, after Public Comments, noting that it is his understanding that there is a need for an executive session. Mr. Potter so moved, and Mr. Schulz seconded. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Schulz stated his best wishes to the ladies' soccer team on Friday at the State Finals.

**COUNCIL COMMENTS (continued):**

Councilman Skrbis explained to the public that the rules of Council were waived so Council can adjourn to executive session following the public comments. He stated that Council will return to Council Chambers to adjourn the meeting, then the Planning and Zoning Standing Committee will meet immediately following the adjournment of the regular meeting.

**PUBLIC COMMENTS:**

**Pam Klann, 7856 Russellhurst Drive**, inquired if one or two residents that are knowledgeable in the issue can be part of a Committee work session. Council President Umholtz advised that the Standing Committee work sessions are published and any resident can attend those work sessions; he noted that there will be opportunity to provide input to the Committee. Mr. Umholtz stated that the Committee Chairman will designate where the meeting will take place, noting that it can be held in Council Chambers in order to accommodate many residents. Councilman Smolic stated that he anticipates that there will be at least three to four meetings to discuss the issue of parking of commercial vehicles. Noting that the make-up of Council will be changing, Councilman Skrbis stated that there is not a rush to pass this ordinance. Mr. Skrbis stated that this proposed ordinance was driven by residents' complaints, noting that Council is aware that it affects many people.

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**ADJOURN INTO EXECUTIVE SESSION:**

Mr. Schulz moved to adjourn into executive session to review negotiations with public employees pursuant to Article I, Section 7(d) of the City Charter. Mr. Potter provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).** The time was 7:30 p.m.

**RETURN TO REGULAR SESSION:**

The executive session was adjourned and the regular session of Council reconvened at 8:00 p.m.

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**RETURN TO NEW BUSINESS – ORDINANCE NO. 17-O-38**

**ORDINANCE NO. 17-O-38** - **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.**  
(Mayor Davidson)

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. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

**ADJOURNMENT:**

Mr. Potter moved to adjourn, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote and the meeting adjourned at 8:02 p.m.

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President of Council

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Clerk of Council