

KIRTLAND CITY COUNCIL MINUTES

November 19, 2018

The meeting of Kirtland City Council was called to order at 7:03 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, City Engineer Philip Kiefer, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

MINUTES OF THE NOVEMBER 7, 2018 WORK SESSION:

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 approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

MINUTES OF THE NOVEMBER 7, 2018 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 approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton reported the department has been very busy since the last meeting, responding to eight structure fires, one of which was a mobile home in Kirtland that was a total loss, and one fatal fire in Willowick.

Chief Hutton reported the department's ambulance is expected back in the next couple weeks.

Council President Potter expressed his thanks to the Chief and his staff.

Police Chief Lance Nosse updated Council on the PSAP, reporting there is now a tentative date set for December.

In response to Councilman Smolic's question, Chief Nosse stated the new PSAP system is different than the existing system, but the department is prepared for the work it will take to convert the system; once the transition has been completed it will be much better for the department and the city.

Councilman Lesnick asked Chief Hutton if there were plans to include the radio system in with the PSAP, to which Chief Hutton responded that would be for future planning, as the tower would need to be built first.

Councilman Skrbis mentioned to Chief Nosse that he had to call 911 at 1:00 in the morning recently and was very pleased with the quick response

City Engineer Philip Kiefer did not give a formal report.

DEPARTMENT REPORTS (continued):

Responding to Councilman Smolic's question concerning the Tibbetts Road plate (which appears to have shifted) being a concern for the winter, Mr. Kiefer said he would speak with Mr. Catania.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson congratulated the girl's high school soccer team, along with coaches Ed Bradac and Julie Madden on their second trip to the State Championship. Mayor Davidson thanked the Fire and Police Departments for escorting the team to the highway, stating it was special to the girls and the parents.

Mayor Davidson thanked Glenn Miller, formerly of the Chronicle and associated with WINT, for initially bringing the radio antenna idea to the Administration. Mayor Davidson also thanked Ray and Ron Somich, the Law Department, and Monica Drake for the parts they played in helping to prepare Resolution No. 18-R-51. Mayor Davidson stated he believes it will be a positive step for the City if it passes.

Mayor Davidson thanked Tim Powell as a friend and public servant to the City, in accepting the Mayor's request to become the City's Zoning Inspector, contingent upon the approval of Council. Mayor Davidson stated Mr. Powell has over four decades of service to the community; 20 years as a councilman, most of those years as the Chair for the Planning and Zoning Standing Committee, and has attended many Council meetings. Mayor Davidson stated he believes it is important to have continuity in the role. The Mayor further stated that by separating the Zoning Inspector from the Service Administrator, the City will be able to focus on the search for the new Service Administrator, as Carm Catania plans to retire in March.

The Mayor noted that the City is also currently looking for a highly qualified individual for Finance Director, as Keith Martinet will be focusing more on his family and his firm. Mayor Davidson made an announcement to Council and guests to please submit any highly qualified candidates to the Administration. The position will also be advertised.

The Department Heads will continue to work with Mr. Martinet on preliminary budgets for submittal.

Kirtland Temple is holding a Community Thanksgiving Service on November 20, 2018. It is sponsored by the Kirtland Ministerial Alliance. The service begins at 7:30 and benefits the Kirtland Area Service Council. The offerings from that service will be placed directly back into the community.

Mayor Davidson thanked Timothy Gmitra for his willingness to serve the community in the Civil Service Commission role.

Mayor Davidson stated that at the work session on December 17, a representative from CT will make a presentation to Council to help provide a better understanding of the road planning.

Mayor Davidson stated that he will confirm Mr. Slapnicker's availability for an early work session on December 3.

Mayor Davidson thanked the Garden Club of Kirtland and the Service Department for garnishing and decorating City Hall. Most decorations were either already on hand or donated. The LDS Church donated some lights to the City.

Council President Potter mentioned a resident showed him a couple of pictures relating to a dead tree overhanging Far Bar or Cray Lane. Mayor Davidson stated he would be meeting with Mr. Catania the next day and would pass along the information.

STANDING COMMITTEE REPORTS:

Council President Potter stated there will be a meeting of the Public Relations Standing Committee after the Council meeting.

Other outstanding reports noted were Police and Fire, and Planning and Zoning from the previous week. Council President Potter stated he would like to schedule a meeting to make sure those reports are approved, before the next Council meeting.

Council President Potter announced if anyone has any desires to be placed on a different committee, please notify him.

Mr. Potter requested Mr. Richards look into drafting legislation to amend the current ordinance to add an Economic Development Standing Committee.

CORRESPONDENCE:

Council President Potter reported on the following:

Correspondence dated November 6, 2018, from the Ohio EPA. Mr. Kiefer stated it was for the nursing home, a renewal of the permit they already have, nothing additional. The permit has to be renewed every five years.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 18-O-31 - (Tabled) - AN ORDINANCE ADOPTING CHAPTER 1468 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO ALTERNATIVE ENERGY.
(Council President Potter)

The legislation remains tabled.

RESOLUTION NO. 18-R-44 - (Third Reading) - A RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY J. GMITRA TO THE CIVIL SERVICE COMMISSION TO FILL THE UNEXPIRED TERM OF DR. JAMES H. PORTER, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

Read by title only. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Smolic.
ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE).

RESOLUTION NO. 18-R-45 - (Third Reading) - A RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY K. POWELL AS THE ZONING INSPECTOR FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.
(Mayor Davidson)

OLD BUSINESS – RESOLUTION NO. 18-R-45 (continued):

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Lowery. Upon discussion, Mr. Kirek withdrew his motion and Mr. Lowery withdrew his second. Mr. Skrbis moved to suspend Council Rules in order to consider Resolution No. 18-R-45 out of sequence, following consideration of Resolution No. 18-R-51. Mr. Schulz provided the second, and the motion passed unanimously.

RESOLUTION NO. 18-R-46 - **(Third Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO EXERCISE THE FIVE-YEAR RENEWAL OPTION OF THE SOLID WASTE AND RECYCLING COLLECTION CONTRACT WITH WASTE MANAGEMENT OF OHIO.**
(Mayor Davidson)

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

NEW BUSINESS:

ORDINANCE NO. 18-O-49 - **AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE-MONTH PERIOD ENDING MARCH 31, 2019.**
(Mayor Davidson)

Read by title only and placed on First Reading.

ORDINANCE NO. 18-O-50 - **AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**
(Mayor Davidson)

Read by title only and placed on First Reading.

RESOLUTION NO. 18-R-51 - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH SPIRIT BROADCASTING LLC, a.k.a. WINT RADIO, FOR THE MINOR MODIFICATION AND USE OF A PORTION OF AN AUXILIARY BUILDING ON THE SERVICE DEPARTMENT PREMISES OF THE CITY PROPERTY, AND DECLARING AN EMERGENCY.**
(Mayor Davidson)

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

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ADJOURN INTO EXECUTIVE SESSION:

Mr. Skrbis moved to adjourn into executive session to discuss personnel matters, pursuant to Article I, Section 7(a) of the City Charter for the purposes of discussing Resolution No. 18-R-45. Mr. Lowery provided the second. The motion passed unanimously, and the executive session convened at 7:19 p.m.

RETURN TO REGULAR SESSION:

Mr. Skrbis moved to adjourn the executive session, with the second by Mr. Schulz. The motion passed by unanimous vote, and the executive session adjourned. Mr. Skrbis moved to reconvene the regular meeting, with the second by Mr. Schulz. The motion passed by unanimous vote, and the regular meeting reconvened at 8:42 p.m.

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OLD BUSINESS (continued)

RESOLUTION NO. 18-R-45
(Mayor Davidson)

- **(Third Reading) - A RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY K. POWELL AS THE ZONING INSPECTOR FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Skrbis moved to amend the legislation to include a one year time frame on the contract. Mr. Richards stated it will be put in contractual form, acceptable to the applicant. Mr. Schulz seconded the motion. **ROLL CALL: MOTION CARRIED 4/3 (VOTING YEA: SCHULZ, SKRBIS, KIREK AND POTTER. VOTING NAY: SMOLIC, LESNICK AND LOWERY).**

Council President Potter asked the Mayor to do a salary study on the position itself. Mayor Davidson agreed. The Resolution reverts to Second Reading as a result of the passed amendment. The Resolution will be given a Third Reading in two weeks' time.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

Sharon Vyskocil, 8415 Locust Drive, asked what was meant by designating financial institutions as public depositories, pertaining to Ordinance No. 18-O-50.

Mr. Richards responded that this is a routine item of legislation; it is done because the state code requires the municipalities make a decision where the money will be kept that is being held on behalf of the City. It is appropriate to place the funds in banks or institutions that the City has confidence in their terms and ratings. The Finance Director is always directly involved in this decision, making sure the City is receiving a good rate of return on the accounts.

Mr. Skrbis read the listing of the banks available to the City for use.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 8:47 p.m.

President of Council

Clerk of Council