

KIRTLAND CITY COUNCIL MINUTES

February 22, 2017

The meeting of Kirtland City Council was called to order at 7:17 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, Service Administrator Carm Catania, City Engineer Philip Kiefer and Fire Chief Anthony Hutton. Police Lieutenant Lance Nosse was present in the absence of Police Chief Wayne Baumgart.

MINUTES OF THE JANUARY 18, 2017 COMBINED MEETING:

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

MINUTES OF THE FEBRUARY 6, 2017 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, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: EILERMAN, KIREK, POTTER, SCHULZ, SKRBIS, SMOLIC AND UMHOLTZ. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 6, 2017 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report and no questions were asked of him.

Police Lieutenant Lance Nosse gave no formal report and no questions were asked of him.

Service Administrator Carm Catania did not present a formal report. Councilman Potter inquired if the City receives many complaints about odors or oils getting into waterways from the junkyard at the bottom of the hill. Mr. Catania advised that he receives approximately one complaint per year, and it is referred to the Lake County Health Department. Mayor Davidson stated that the Ohio EPA issued findings regarding Mike's Auto Salvage; he noted that he believes the specific issues in the findings have been remediated. The Mayor noted that he will provide a copy of the document from the Ohio EPA. Fire Chief Hutton advised that there have not been any oil spills in the waterways.

DEPARTMENT REPORTS (continued):

Councilman Skrbis inquired about two mobile homes located at 10781 Chillicothe Road, noting that this was brought up a while ago. Mr. Skrbis inquired if those mobile homes were allowed to be occupied. Mr. Catania advised that he visited the property and that the mobile homes have been there for over 30 years; he noted that they are grandfathered and they are occupied. Councilman Potter inquired if they create extra stress on the septic system. Mr. Catania stated that he can ask the Health Department to investigate. Councilman Schulz inquired if the grandfathering would be lost if a new trailer was brought in. Mr. Catania stated that he would need to check with the Law Director; he noted that they cannot increase the non-conformancy, so they cannot place any additional trailers. Mr. Schulz questioned the location of the property, noting that there are trailers on property across and to the south of his property. It was noted that Mr. Schulz will follow up with Mr. Catania to determine if this is the same property.

Councilman Smolic inquired about the status of work at the Mucciarone property on Ledgewood Drive. Mr. Catania stated that work should begin soon, noting that he will follow up with the contractor.

Councilman Potter inquired if the City has gone out to bid for any of the roads, or if it has been considered. Mayor Davidson advised that it has been done for the chip and seal. Mr. Catania stated that the paving has not gone out for bid; he noted that he received information from ODOT regarding the cost analysis. The Mayor noted that Councilman Schulz provided ODOT public bid information and reference material; he noted that this can be further discussed when the road paving plan is done.

City Engineer Philip Kiefer did not present a formal report and no questions were asked of him.

Finance Director Keith Martinet did not present a formal report. Councilman Potter thanked Mr. Martinet for the prompt response to his questions.

Law Director Daniel Richards advised that with the assistance of the City Engineer and the Clerk of Council, he has been working on a project to reconsider the fees and funds necessary to process applications submitted to the City. Mr. Richards stated that it is not intended to be a revenue generator, but it is an opportunity to look at an area of the ordinances that has not been reviewed in a long time. Mr. Richards stated that he anticipates that it will be presented to Council in draft form once it is submitted to the Mayor, within the next few weeks. Mr. Richards stated that he will be looking for a response as to whether the fees are appropriate and whether there is a need for inclusion of further fees and funds that are not currently included in the draft. Responding to an inquiry from Councilman Potter, Mr. Richards stated that he is not suggesting to Council that the fees and funds be any greater than what is needed, but that the overhead of the City should be taken into consideration and that the fees and funds appropriately represent those expenses. Mr. Richards stated that this is an opportunity to make the code more user-friendly by referencing all of the fees in one area of the code.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated that he made his comments during the work session, noting that he will have a statement during the Finance Committee meeting on the budget.

Councilman Potter noted that he spoke with Wendy Zele of First Energy with regard to greater efficiency with municipal lighting. He inquired if the recent HVAC work at City Hall has increased efficiency. Mayor Davidson stated that the energy usage and expense has decreased as a result of the installation of the HVAC system. The Mayor noted that Mike Denk was instrumental in working with Mr. Catania on the project. Mr. Potter stated that there is an opportunity through First Energy for the City to receive a cash refund based on the proven savings from the project; he noted that he will send the information to the Mayor. Mr. Potter stated that Ms. Zele is willing to come and speak to Council regarding the opportunities.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Davidson stated that Paul Palagyi's staff at Lake Metroparks is working on some information related to their windmill, noting that he will share that information with Council once it is provided.

With regard to the lighting, the Mayor noted that it is a challenging effort and should be reviewed through administration and a committee, with many hours involved. Councilman Smolic stated that he would offer his assistance in this regard.

STANDING COMMITTEE REPORTS:

As Chairman of the Police and Fire Standing Committee, Councilman Smolic advised that the committee met on Saturday, February 18. Mr. Smolic stated that there will be a few changes to the legislation amending Chapter 618, noting that he provided the information to the Law Director. Mr. Richards confirmed that he received the information and is working with Mr. Laudato to make the changes; he noted that the ordinance with proposed amendments will be provided to Council.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

John Bengal, 8826 Far Bar Road, addressed Council with regard to the poor condition of Far Bar Road and Crary Lane, along with other roads in the City. Mr. Bengal noted that he received some insight from sitting in on the work session and he understands that it is a revenue issue. With regard to chip and seal, Mr. Bengal noted that there is a lot of pressure on Council to get the roads fixed, but he stated concern about a "quick fix". Mr. Bengal stated that he voted for the road levy, but he speaks for a lot of residents in that they are not happy with the roads. He stated that the City may benefit from going out to bid for paving and creating some competition. Mr. Bengal stated that he would like to see the budget online, including some cost analysis, noting that transparency to the community is essential to passing a future road levy. Council President Umholtz thanked him for his comments and for attending the meeting and work session. Mayor Davidson advised that the 2016 budget is on the City's website; he noted that the City did not use ohiocheckbook.com because of the \$30,000 cost of the software, plus the time and cost to enter the information. Mayor Davidson advised that the 2017 budget will be online once it has been passed. Mayor Davidson thanked Mr. Bengal for his comments; he noted that the City needs a road maintenance plan, which is funded over time, with a mix of processes. The Mayor stated that he is sharing as much information as possible with Council in order to get to the best solution.

OLD BUSINESS:

ORDINANCE NO. 16-O-60
(Mayor Davidson)

- **(Tabled) – AN ORDINANCE AMENDING CHAPTER 618 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO ANIMALS.**

The legislation remains tabled.

OLD BUSINESS (continued):

ORDINANCE NO. 17-O-4 - **AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2017.**
(Mayor Davidson)

Read by title only and placed on Second Reading. Councilman Smolic stated that he still has questions about the budget, which he will bring up during the Finance Committee meeting.

NEW BUSINESS:

RESOLUTION NO. 17-R-5 - **A RESOLUTION AMENDING RESOLUTION NO. 16-R-53 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.**
(Mayor Davidson)

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

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Eilerman advised that he will not be available for the next Council meeting, on March 6.

Councilman Potter noted that he shared with Council an e-mail that he received regarding a group that was formed to apply for a license for growing, cultivating and processing medical marijuana; he noted that the group presented last night in Chardon. Mr. Potter stated that he can send a link for the presentation to anyone that is interested. Mr. Potter stated that they addressed many questions, including security, during the presentation, which lasted about an hour. Councilman Smolic thanked Mr. Potter for the information, noting that he believes this is a matter for discussion.

Mayor Davidson stated that he attended the Northeast Ohio Mayors and Managers meeting, noting that Kirtland resident Tim Cosgrove spoke on behalf of his firm. The Mayor noted that the State's rules with regard to medical marijuana are still being put together, and he believes that Council used appropriate caution in making their decision. Council President Umholtz concurred with the Mayor, noting that he believes Council used appropriate caution, noting that marijuana is still in violation of Federal law.

PUBLIC COMMENTS:

Denise Rocco, 8124 Glen Park Road, addressed Council with regard to the issue relating to cats. She stated that a neighborhood cat has been around the area for about four years, and in 2015 another cat started following him around, from a house on the street that was torn down. She stated that she started feeding the cat at the edge of the forest, and as winter came she placed a shelter closer to the house. She stated that this cat's sister showed up and she was able to bring her into the house and take her to the Humane Society to be spayed. She stated that her goal was to find a home for the male as well, but he was cautious and would not let her near him. She stated that she was trying to build up the cat's trust, but her neighbor made it very difficult. She stated that she took steps to try to keep the cats out of her neighbor's yard, and they stopped going in his yard after he had trapped them once. She stated that her neighbor threatened to kill the cats and continued to chase them along the fence line and threw rocks at them in her yard. Ms. Rocco stated that after she went to the police, an officer told her she was breaking an ordinance for harboring animals and for noxious odors, and that she would be cited for a minor misdemeanor if she did not stop feeding them immediately, and she was told to take down the shelter. Ms. Rocco stated that she was told that her neighbor did not go to the Police, but brought this up with a councilman. She stated that the officer was shocked to find out that there were only two cats involved, one of which had been in the neighborhood for four years, and she stated that there was no noxious odor in her house. Ms. Rocco stated that after this incident she brought the cats into her home, noting that if her neighbor had not created problems the male cat could have found a home like his sister. Ms. Rocco stated concern about the abuse and mistreatment of animals. She stated that trap, neuter and release will diminish the number of cats, and it should not be a crime to care for cats. Council President Umholtz thanked her for attending and for her comments, and he commended her for her kindness and compassion. Mr. Umholtz advised that she is welcome to attend the next Council meeting, noting that Council should have the final amendments to the ordinance. He stated that the Committee has come up with a fair approach to modifying the ordinance relating to animals.

Councilman Smolic stated that he spoke with her neighbor but never encouraged him to throw rocks or threaten to kill the cats.

With regard to the notice of transfer of a C1, C2 liquor permit from 9100 Chillicothe LLC dba Kirtland Sunoco, to Kirtland One Stop LLC, dba Kirtland One Stop Sunoco, it was noted that Chief Baumgart indicated that there are no issues with this applicant. No action was taken by Council to request a hearing.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote and the meeting adjourned at 8:10 p.m.

President of Council

Clerk of Council