

KIRTLAND CITY COUNCIL MINUTES

August 22, 2011

The meeting of Kirtland City Council was called to order at 7:08 p.m. by Council President R. Robert Umholtz. Mr. Webbe led the prayer which followed the Pledge of Allegiance. The members of Council present were: Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis, R. Robert Umholtz and Donald Webbe.

Administrative personnel present were: Mayor Mark A. Tyler, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

MINUTES OF THE JULY 11, 2011 WORK SESSION:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

MINUTES OF THE JULY 11, 2011 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart stated that the monthly report for Police and Fire has been distributed.

City Engineer Philip Kiefer advised that his monthly report has been distributed. Mr. Kiefer stated that during Council's recess there were no housing starts on streets not accepted for maintenance; he thanked Council for granting him authority to issue permits if any had come in.

Responding to Councilman Powell with regard to the East Branch Chagrin River bank stabilization grant, Mr. Kiefer advised that there are a couple areas where the bank is eroding and the City is applying for a grant to repair those areas.

Councilman Davidson inquired whether there was a permit for dumping on Overlook Drive, noting that he observed a good deal of truck traffic. Mr. Kiefer advised that there is no permit and that he was not aware of any dumping in that area; he stated that he will follow-up on this.

Councilman Skrbis stated that there has been increased activity in the rear of the Mr. Excavator property, noting that he spoke with Mrs. Fowler. Mr. Skrbis stated that she has some warranted concerns, noting that there is a lot of water runoff coming onto her property. Mr. Kiefer stated that he will take a look at it. Mayor Tyler stated that he spoke with Mr. Catania before tonight's meeting; he noted that the City is aware of the situation and it will be addressed.

Councilman Skrbis noted that there was some activity months ago at New Promise Church relating to their gas well. Mr. Skrbis noted that Mr. Catania had previously indicated that he would look into this; and he wanted to mention it to Council.

DEPARTMENT REPORTS (continued):

Noting that he had an opportunity to talk to some of the residents in the Rocking Horse development, Councilman Davidson inquired whether the City Engineer has any recommendations to intercept and redirect the drainage water to the retention pond. Mr. Kiefer stated that the City could apply next year for an OPWC project. Mayor Tyler advised that he and Mr. Catania visited the development last week and spoke to some of the residents; he noted that the City is investigating other options to alleviate some of the flooding concerns.

Noting that there are drainage issues throughout the community, Councilman Powell stated that the City needs to address water drainage.

Finance Director Keith Martinet advised that he has distributed the monthly report. Mr. Martinet requested a meeting of the City's Board of Tax Review (Council President, Finance Committee Chair and the Mayor). It was agreed that the Board of Tax Review will meet following the conclusion of the next regular Council meeting on Wednesday, September 7, 2011.

Noting that each Council member receives a photocopy of the monthly financial reports, Councilman Powell inquired whether the reports can be done quarterly to reduce the amount of photocopying. Upon discussion, it was agreed that the Finance Director will place one copy of the monthly report in the Council office; and any Council member that wants a photocopy should advise Mr. Martinet.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler advised that the City has been addressing issues resulting from the recent heavy rains.

Mayor Tyler stated that the City is moving forward on the Tibbetts Road project, noting that base repair will begin this coming week, followed by tar and chip and storm sewer upgrades. He noted that it will be a safety improvement for the area.

The Mayor stated that the City is working with the Lake County Department of Utilities regarding an agreement for the remainder of the capacity for the sewer project, noting that legislation will be submitted to Council in this regard.

Mayor Tyler noted that there have been some picnics this summer at the Community Center, noting that they were well attended.

Councilman Schulz thanked the Mayor for his response to the residents on Highland Court with regard to the street repair. He noted that Mr. Schweinfurth was appreciative of the quick repair.

Councilman Schulz noted that a resident on Forestdale noticed that CEI was putting in an additional pole, and there is a caution flag for a line that has been hanging for over a month. Chief Hutton stated that he will take a look at this tomorrow.

Noting that there was some road striping done over Council's recess, Councilman Schulz inquired about roads that have not yet been completed. Mayor Tyler advised that this is done on an alternating basis as money and resources permit, noting that some roads will be done next year.

Councilman Davidson commented that Jenna Hull and the Community Center staff did a nice job on the senior family picnic, noting that the "bounce house" was very popular with the children.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

With regard to a recent house fire, Councilman Webbe stated that the coordination between the Fire and Police Departments was fantastic, noting that the departments worked together very well. Mayor Tyler commended Police Sgt. Andolsek for helping the firefighters; he noted that it was a challenge since many units were dispatched to an event in a neighboring community. Chief Hutton noted that normal automatic aid was delayed due to the event at the Captain's ballpark.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

Council President Umholtz reported on the following:

1. From the Ohio Division of Liquor Control, notice of a request for new C1 and C2 permits for Dolgen Midwest LLC, dba Dollar General (at 9193 Chillicothe Rd.), along with correspondence from the Division of Liquor Control granting a 30-day extension from the August 15, 2011 deadline to respond. It was agreed that this matter will be discussed at a work session prior to the next regular meeting.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Karen Daugherty, 10578 Crary Lane, addressed Council with regard to problems with New Promise Church. She stated that she was advised that the church did everything that they were asked to do, but she was previously told that she would have privacy. She stated that the trees were planted on the mound 15 ft. apart, which is not enough to provide privacy. Ms. Daugherty stated that the lights are on until 10:30 p.m., even when there is nothing going on at the church. She stated that some of the neighbors have planted their own trees, which are growing faster than the trees planted by the church. Ms. Daugherty stated that she would appreciate something being done to address this. Ms. Daugherty stated that the trees are placed as far apart as they were supposed to be, but that apparently they did not realize it would never provide privacy. Mayor Tyler requested that Mr. Kiefer and Mr. Catania visit the property to determine if the landscaping was done in accordance with the approved plans and to assure that this is rectified.

Mary Jane Mehling, 10745 Rockwood Drive, addressed Council with regard to the water line replacement on Rockwood Drive; she noted that the end of her property has been destroyed to put in the water line and fire hydrants. She stated that her property was supposed to have been restored when the contractor was done. Mrs. Mehling had pictures showing the condition of her property now and before the work began. Mrs. Mehling stated that she spoke to Gary Fusco at Aqua Ohio and the project engineer, along with the Mayor's assistant; and she noted that Mr. Kiefer and Mr. Catania have visited the property, but the condition of her property is getting worse. She said she was told that they put in the top grade of seed, but there is nothing but weeds. Also, Mrs. Mehling stated that she talked to Tim Miller of Stormwater Management with regard to drainage issues. She noted that the topsoil, seed and straw all washed away. Mrs. Mehling stated that project was started on May 16, and she does not know whether they are going to complete the work on her property.

Mr. Kiefer advised that Aqua Ohio replaced the water line, and three to four weeks later the cable company buried the cable. Responding to Councilman Powell, Mr. Kiefer confirmed that this is ultimately the responsibility of Aqua Ohio. Mr. Kiefer stated that he and Mr. Catania visited the property after Aqua Ohio

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

finished the waterline replacement and before the cable company completed their restoration. Mr. Kiefer stated that he will revisit the property with Mr. Catania. Responding to Council President Umholtz, Mayor Tyler stated that there have been several conversations with Aqua Ohio regarding the restoration, and that the City will continue to pursue this. The Mayor noted that if necessary, he will ask the Law Director to contact Aqua Ohio.

Melody Perkes, 10785 Rockwood Drive, stated that she attended the Planning and Zoning Commission meeting and expressed her concerns about the condition of Rockwood, and she was encouraged to come to the Council meeting. Referring to Mrs. Mehling's photographs, Ms. Perkes stated that there is also an indication where Osborne's cement trucks emptied their trucks and cleaned them out at the top of the cul-de-sac; she noted that the street is still covered with cement residue. She stated that the topsoil placed on her property had large rocks and rubble on top of the grass and straw. Ms. Perkes stated that the cable line was strewn across Mrs. Mehling's driveway for over a month. She stated that the boxes at the end of the cul-de-sac are often askew or left open when someone has worked on them. Ms. Perkes also stated her concerns about the condition of Rockwood Drive and inquired about consideration for resurfacing. Council President Umholtz requested that the Mayor ask Mr. Catania to determine whether Osborne needs to clean up the area where they cleaned out their trucks. Mayor Tyler advised that he will address this with Mr. Catania tomorrow. The Mayor advised that Mr. Catania has been in contact with Mr. Fusco of Aqua Ohio with regard to the restoration, and that he will follow-up on her concerns. With regard to Ms. Perkes' concerns about the condition of Rockwood Drive, Mayor Tyler stated that he will look into this with Mr. Catania.

Mr. Kirek expressed concern about the quality of work performed by Aqua Ohio, noting that he would like to see a bond required before Aqua Ohio begins any project in the future.

Ms. Perkes also stated that the residents were not advised by Aqua Ohio when the water would be turned off. She noted that she was also never advised of the need to release the pressure when the water was turned back on.

Mr. and Mrs. Chamberlain, 10590 Hickory Hill Court, were present. Councilman Powell stated that they have been having issues with water plugging up their driveway drain. Mr. Powell stated that the owner of property on the corner wanted to landscape his back yard, but it is taking a long time; he cut an access road to the back of his property, and the company paving Route 6 saw the access road and installed an apron. Mr. Powell noted that during heavy rains, water hits the apron and ends up in Mr. and Mrs. Chamberlain's yard, along with debris from the landscaping that is being done. Mr. Powell noted that Mr. Catania sent a letter to the property owner in this regard. Mayor Tyler stated that he will discuss this matter with Mr. Catania. Mr. Chamberlain stated that this has been ongoing for a couple years, and he would like this to be addressed.

Councilman Powell stated that Mr. and Mrs. Chamberlain's other issue is that the next door neighbor feeds the wild animals, which is creating a nuisance due to the increase in animals on the property. Mr. Powell noted that he contacted the State of Ohio, but he was advised that the State will not get involved when the issue involves deer, bears or turkeys. Mr. Chamberlain stated that the neighbor puts feed in a horse trough and that the deer are a nuisance. Council President Umholtz requested that Mr. Chamberlain leave his telephone number with the Clerk of Council; and he requested that Mayor Tyler, Mr. Kiefer or Mr. Catania call Mr. Chamberlain. Law Director Richards suggested that, if this is something that cannot be handled administratively, the City should examine the preparation of an ordinance relative to the creation of a nuisance relating to the feeding of animals.

OLD BUSINESS:

None.

NEW BUSINESS:

RESOLUTION NO. 11-R-43 - **A RESOLUTION INCREASING THE COMPENSA-
(Council President Umholtz) TION PAID TO THE MAYOR.**

Read by title only and placed on First Reading.

RESOLUTION NO. 11-R-44 - **A RESOLUTION SETTING THE SALARY FOR
(Council President Umholtz) THE PUBLIC SAFETY DIRECTOR.**

Read by title only and placed on First Reading.

RESOLUTION NO. 11-R-45 - **A RESOLUTION SETTING THE SALARY FOR
(Council President Umholtz) THE PUBLIC SERVICE DIRECTOR.**

Read by title only and placed on First Reading.

RESOLUTION NO. 11-R-46 - **A RESOLUTION ACCEPTING THE BID OF BEST
(Mayor Tyler) COMMERCIAL ENERGY SERVICES FOR THE
WEST WING AIR CONDITIONING FOR
KIRTLAND COMMUNITY CENTER,
AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH BEST COMMERCIAL ENERGY
SERVICES AND DECLARING AN EMERGENCY.**

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

ORDINANCE NO. 11-O-47 - **AN ORDINANCE AMENDING SECTION 210.01 OF
(Mayor Tyler) THE CODIFIED ORDINANCES OF THE CITY OF
KIRTLAND, RELATING TO EXAMINATION OF
REGISTRATION RECORDS OF CANDIDATES;
WRITTEN PROTESTS AGAINST UNQUALIFIED
CANDIDATES.**

Read by title only and placed on First Reading.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Powell inquired whether there are any requests for grants other than what is shown on the City Engineer's report. Mr. Kiefer advised that there are no others at this time.

Noting that he and Councilman Powell attended the Planning and Zoning Commission meeting, Councilman Davidson stated that Mr. Crandall brought up the disposition of the undeveloped park property on Route 6. Mr. Davidson requested that this be discussed in a work session.

PUBLIC COMMENTS:

Melody Perkes, 10785 Rockwood Drive, stated her appreciation to Kirtland Police Officer Cassie Phillips for her help and kindness with regard to a recent call to the Police Department for assistance.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Powell. The motion of Council passed by unanimous vote. The time was 8:03 p.m.

President of Council

Clerk of Council