

KIRTLAND CITY COUNCIL MINUTES

August 19, 2013

The meeting of Kirtland City Council was called to order at 7:04 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: William Catania, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis, R. Robert Umholtz and Donald Webbe.

Administrative personnel present were: Mayor Mark A. Tyler, Assistant Law Director Michael Germano, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

MINUTES OF THE JULY 8, 2013 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Webbe. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Webbe. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS AND WEBBE. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

MINUTES OF THE JULY 24, 2013 SPECIAL COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Catania. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: CATANIA, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE. ABSTAINING: KIREK).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart advised that the formal report has been distributed. Chief Baumgart advised that an equestrian club will be holding a riding event on Sunday from Penitentiary Glen to Chapin Forest; he noted that the owners of the properties involved have given their permission.

Service Administrator Carm Catania did not present a formal report. Councilman Skrbis inquired whether there has been any follow-up regarding the odor on Billings Road. Mr. Catania stated that he has not heard back from the Health Department, but he will call to see if they found anything.

Councilman Skrbis inquired about the status of the drainage issue in Kirtland Lakes, at 10901 Lakebrook. Noting that he was out last week, Mr. Catania stated that he will follow up on this matter.

Responding to an inquiry from Councilman Schulz regarding waterline work on Glenstone, Mr. Catania advised that the City will be addressing some drainage issues within the next few weeks, along with patching a few spots and sealing a few cracks in the road.

City Engineer Philip Kiefer advised that the monthly report has been distributed.

Finance Director Keith Martinet stated that he has prepared, posted and distributed the July financial statements. Mr. Martinet advised that work is starting on the 2014 budget, noting that he, the Mayor and the Department Heads will be getting together soon in this regard.

DEPARTMENT REPORTS (continued):

Assistant Law Director Michael Germano did not present a formal report and no questions were asked of him.

Addressing the Police Chief, Councilman Skrbis noted that football season will soon begin and people will be parking at the shopping center and crossing Route 306 to the school. He inquired if a "pedestrian crossing" sign could be utilized. Chief Baumgart noted that he will have an officer in the area, but that a crosswalk or pedestrian crossing would create a false sense of security; he noted that pedestrians need to use caution when crossing. Chief Baumgart noted that this is a 25 mph speed zone.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler welcomed Council members back from summer recess. The Mayor noted that he received a thank you letter from Cynthia Moore Hardy from Lake Hospital Systems thanking Fire Chief Hutton for his involvement in the selection process for the Emergency Department Professional Services Group.

The Mayor noted that Dr. Cahill passed away last week.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Dennis Knaus, 7335 Ledgewood Drive, stated that he was trying to reach the Mayor to arrange a meeting to discuss the flooding on Ledgewood Drive. Mayor Tyler advised that he and Service Administrator Catania will meet with him after the Council meeting.

Jackie Zerbe, 9378 Booth Road, addressed Council with regard to an ongoing situation with her neighbor; she stated her frustration in not receiving return phone calls from Mr. Catania in this regard. Mr. Catania apologized for not returning her call, but he stated that he visited the property and took care of the drainage issue. He stated that the Service Department cleaned the trench so the water will drain properly; he noted that this is a standard procedure. Mrs. Zerbe stated that she now has more mud and more erosion, and that the water keeps washing the grass seed away. Mrs. Zerbe's mother, a Willoughby resident, also expressed her anger and frustration with regard to this situation. Mrs. Zerbe stated that her neighbor is harassing her and destroying her property. Responding to Mr. Umholtz, Mrs. Zerbe stated that she has not called the police.

Mr. Catania advised Mrs. Zerbe that he will contact her Wednesday morning and set up a time to meet her on her property.

Councilman Skrbis encouraged Mrs. Zerbe to contact the Police Department if there is a situation with the neighbor that is not City related. Mr. Umholtz noted that Mr. Catania and Chief Baumgart will take care of the issues if they are properly reported.

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

Lucio Velotta, 8292 North Locust Drive, stated that he has the same situation with water drainage, noting that he has pictures. Noting that the 100-year storm has happened three or four times recently, he stated that his yard keeps flooding and he feels that his property is being used for storm management. Mr. Velotta stated that he does not believe he should carry the burden for fixing this situation, noting that the outlet for the street is too small to carry the load of the water. Mr. Velotta stated that he would like to have this rectified; he noted that his septic tank is in the front yard, which is a concern with all of the flooding. City Engineer Kiefer stated that he has visited the property and he has seen the pictures. Mr. Kiefer advised that he wrote a report in this regard, although he does not have it with him tonight. To the best of his recollection, Mr. Kiefer stated that in order to satisfy the property owner's desires, the culvert would have to be replaced, which would result in more water going downstream faster. Mr. Kiefer noted that the City would have to purchase some land and build a retention basin. Mr. Umholtz requested that Mr. Kiefer review his findings and report back to Council at the next meeting. Mr. Umholtz advised Mr. Velotta that the next Council meeting will be held on Wednesday, September 4.

Louis Monaco, 8382 North Locust Drive, inquired whether there is a noise ordinance in Kirtland. Police Chief Baumgart stated that there is a noise ordinance with certain time restrictions; he noted that a police officer can come out and issue a warning or a citation if there is unreasonably loud noise any time of day. Chief Baumgart advised that the ordinance is available online.

David Henison, 9670 Glenstone Drive, stated that he attended the Council meeting three months ago with regard to his neighbor, who was cited the next day. Mr. Henison stated that his neighbor has done nothing other than pay the fine. Mr. Henison had a photograph, which he said was taken two days ago showing that nothing has been done.

Responding to Mr. Umholtz, Mr. Germano stated that the property owner can be cited again, noting that each day is a separate offense.

Mr. Catania stated that he arranged for someone to cut the grass, and that he spoke with someone from Old South Church who advised that they will send some volunteers to help clean up the property. Mr. Catania noted that the property owner purchased a garage kit for storage of items on the property.

Stephanie Henison, 9670 Glenstone Drive, expressed her frustration because her phone calls were not returned. She inquired how many times her neighbor can be cited. Mr. Germano advised that he could be cited every day.

Mayor Tyler stated that this is a forum for public comments, and any resident is welcome to stay after the meeting to discuss a matter with him or the Department Heads. The Mayor advised that he will meet with Mr. Catania and the Law Department to address this matter.

Mr. Henison expressed his frustration with the situation; he stated that nothing seems to be getting done. He stated that he would like Council to come up with a resolution and for someone to contact the people on the street with that resolution .

Mr. Umholtz noted that a meeting can be scheduled with the Law Director to determine what the City can do to legally come up with a resolution to this matter. Mr. Umholtz requested that Mr. Henison leave his telephone number with Council.

OLD BUSINESS:

None.

NEW BUSINESS:**RESOLUTION NO. 13-R-38**

(Mayor Tyler)

- A RESOLUTION CONFIRMING AND RATIFYING THE VERBAL MOTION OF COUNCIL TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH DEGREEEN CONSTRUCTION SERVICES, INC., FOR THE UPGRADE TO THE KIRTLAND COMMUNITY CENTER WASTE WATER TREATMENT PLANT, 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: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. 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: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

RESOLUTION NO. 13-R-39

(Mayor Tyler)

- A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Read by title only and placed on First Reading.

RESOLUTION NO. 13-R-40

(Mayor Tyler)

- A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Read by title only and placed on First Reading.

NEW BUSINESS (continued):

RESOLUTION NO. 13-R-41
(Mayor Tyler)

- A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM WILLIAM E. ARWOOD AND CAROLYN B. ARWOOD TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Read by title only and placed on First Reading.

RESOLUTION NO. 13-R-42
(Mayor Tyler)

- A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM KELLY FABER AND KVEODOSIA FABER TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Read by title only and placed on First Reading.

RESOLUTION NO. 13-R-43
(Mayor Tyler)

- A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM DAVID A. HAMILTON TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Read by title only and placed on First Reading.

NEW BUSINESS (continued):**RESOLUTION NO. 13-R-44**
(Mayor Tyler)

- A RESOLUTION ACCEPTING THE BID OF S. E. T., INC. FOR THE KIRTLAND ROAD SANITARY SEWER IMPROVEMENTS PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH S. E. T., INC., AND DECLARING AN EMERGENCY.

Read by title only and placed on First Reading.

ORDINANCE NO. 13-O-45
(Mayor Tyler)

- AN ORDINANCE GIVING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO UPGRADE BARRIER END TERMINALS ON STATE AND NATIONAL HIGHWAY ROUTES AT SELECTED LOCATIONS WITHIN THE CITY OF KIRTLAND PURSUANT TO OHIO REVISED CODE §5521.01, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Webbe. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: CATANIA, KIREK, POWELL, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Webbe. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: CATANIA, KIREK, POWELL, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

ORDINANCE NO. 13-O-46
(Council President Umholtz)

- AN ORDINANCE AMENDING SECTION 1292.05 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO APPLICATIONS FOR CO-LOCATION, REMOVAL OR REPLACEMENT ON OR OF EXISTING WIRELESS FACILITIES.

Read by title only and placed on First Reading.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Noting that residents are encouraged to come to Council and express their opinions, Councilman Skrbis stated that Kirtland's Department Heads are some of the finest in Lake County. Mr. Skrbis stated his belief that the City's manpower is not always where it needs to be, due to the size of the City. Mr. Skrbis suggested that one of Council's subcommittees meet to discuss possible improvements to the system to help the residents and the Department Heads. Mr. Skrbis stated that when the exterior maintenance code was adopted, one concern was whether there would be sufficient manpower to enforce the ordinance.

COUNCIL COMMENTS (continued):

Councilman Webbe stated that incidents such as those brought before Council tonight are rare, noting that each of the Department Heads does a fantastic job throughout the year, and he believes they will continue to do so. Mr. Webbe apologized to the residents, noting that sometimes the Department Heads are overwhelmed.

Council President Umholtz encouraged the residents to contact their ward councilman or one of the councilmen-at-large, noting that if they are aware of a situation, they can hopefully intervene and help resolve it. Responding to a question from the public, Mr. Umholtz advised that all of the Council members' telephone numbers are in the Kiwanis directory.

Noting that the City has been dealing with problems with several different properties, Chief Baumgart commented that it takes time and a combined effort with the County to address some of these situations.

Councilman Powell noted that Council President Umholtz has asked him to review the Planning and Zoning penalty clauses and fee schedules that are currently in place.

PUBLIC COMMENTS:

Louis Monaco, 8382 North Locust Drive, commented that after hearing some of the concerns at tonight's meeting, he would like to see Council members go through their wards periodically and knock on doors to introduce themselves and ask the residents if everything is going well. Mr. Monaco stated that he believes this would create a good rapport with the residents.

Councilman Powell noted that the issue of fracking was brought to the attention of Council, and he has been trying to contact local communities that were on the list provided to the City. Mr. Powell noted that in this area only two communities, Concord and Russell Township, have passed resolutions with regard to fracking. Mr. Powell noted that the Russell Township resolution basically asks the State for control; it does not specifically relate to fracking, although it covers it. Mr. Powell noted that only two of the nine communities listed have actually adopted legislation. Mr. Umholtz requested that Mr. Powell schedule a standing committee meeting in this regard.

Councilman Schulz advised the residents that Council has been working on putting together "bios" and contact information, which will soon be available on the City's website.

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 7:58 p.m.

President of Council

Clerk of Council