

KIRTLAND CITY COUNCIL MINUTES

January 4, 2016

The meeting of Kirtland City Council was called to order at 7:02 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, Joseph Smolic and R. Robert Umholtz. Absent: Robert Skrbis.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel F. Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

MINUTES OF THE DECEMBER 21, 2015 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, as presented, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC, UMHOLTZ AND EILERMAN. 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 December also shows data from the entire year; he noted that there were less injury accidents for 2015 than the previous year.

Service Administrator Carm Catania advised that there were some complaints about the traffic light at Joseph Street and Route 306. Mr. Catania noted that the loop detector was damaged when work was performed on a water line break by Aqua Ohio. Mr. Catania stated that Signal Service, through Aqua Ohio, performed repairs today, and the repair should be completed by tomorrow.

With regard to flooding on Ledgewood Drive, Councilman Smolic thanked the Service Department for coming out and cleaning up; he inquired about the cause of the problem. Mr. Catania advised that the water comes from a creek through the back yards and to the front of the properties, noting that the Service Department installed a second catch basin about five years ago in front of Mr. Florentine's yard to pick up the overflow. Noting that the City also installed a debris catcher, Mr. Catania advised that it is a maintenance issue due to the build-up of leaves. Mr. Smolic inquired if the fence can be built up a little higher to catch the leaves; Mr. Catania replied affirmatively.

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

Finance Director Keith Martinet advised that he received a notice from RITA regarding a missing CD used for back-up of data; he noted that RITA sent a letter to everyone who filed tax returns stating that there was a potential breach of data. Mr. Martinet noted that there is a process for taxpayers to check their credit. In case Council gets any inquires, Mr. Martinet stated that the letter from RITA is legitimate and it is not a scam.

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 budget is nearly complete and should be presented to City Council by February 1, with potential approval at the first meeting in March.

The Mayor noted that residents have been concerned about the skeet shooting range at Kirtland Country Club. He stated that the Country Club received a conditional use permit from the Willoughby Planning Commission, noting that they had HzW perform a study, although there was foliage on the trees at that time. The Mayor noted that the City of Kirtland has been receiving calls since this activity started. Mayor Davidson stated that he called Mayor Anderson, and then met with him in person. Although this will be reviewed at the March meeting of the Willoughby Planning Commission, Mayor Davidson stated that as a result of the number of calls the City of Kirtland is receiving and the impact to Kirtland residents, he believes it would be appropriate to pursue this before the March meeting. The Mayor stated that the names of the residents that have contacted the City of Kirtland will be put on a roster; he noted that he will get back in touch with the Willoughby Mayor and the Planning Commission to let them know the adverse impact this is creating for residents and to see if something can be done about this issue sooner. Mayor Davidson stated that Patrick Alexander of the Country Club contacted him today and noted that a lot more people have been participating due to the mild weather. While Mr. Alexander stated that he is willing to look at some adjustments, the Mayor stated that it would be appropriate for the Administration to address with the City of Willoughby the impact on the Kirtland residents.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

Council President Umholtz noted that thank-you notes were received from Mrs. Roelle and Ms. Petersburg.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Dennis Knaus, 7335 Ledgewood Drive, stated that for the past few years they have been experiencing drainage problems when there are heavy rains. Mr. Knaus stated that over Christmas weekend, the rain was not heavy but water was coming down the street and overwhelming the catch basin in his yard; the water runs alongside his house to the back yard and the driveway was under two feet of water. Mr. Knaus stated that the catch basin in the back yard is starting to get undermined and water is getting underneath the culvert; he stated that his back yard is starting to sink underneath the culvert. Mr. Knaus stated that at least twice per year they are overwhelmed with water, and he inquired whether the City can put a screen higher than the basin that would keep the leaves from blocking the basin inlet.

Councilman Schulz inquired if there are already beehive grates being used. Mr. Catania stated that the City built a debris catcher, which is 2-1/2 to 3 feet in height; he noted that it can be built up higher. Mr. Catania stated that it is a maintenance problem, noting that the creek comes through the woods; he noted that there were leaves all over the road the next morning.

Mr. Smolic inquired whether there is a way to divert the water. Mr. Kiefer stated that he will look into this to determine the cost and how much it would help the situation.

Michael Arcidiacono, 8953 Elm Street, stated that he is an employee of the City of Willoughby and he talked to Willoughby Zoning Inspector Darryl Keller with regard to the skeet shooting. He stated that every Monday morning their voicemail is full with complaints, noting that he will get a copy of those complaints. Mr. Arcidiacono stated that it is a noise issue; he noted that he can hear it clearly inside his house. He stated that he would greatly appreciate it if this could be stopped before March.

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

Scott Haymer, 8110 Forestdale, stated that he and the other residents on his street are not happy about the skeet shooting. He inquired whether Kirtland has a noise ordinance that is being violated. Mr. Haymer stated that he can hear it inside his house over the sound of the television.

Mayor Davidson requested that any residents in attendance with regard to the skeet shooting provide their names and addresses to him following the meeting, noting that he will incorporate this into his response. He noted that when Council began the work session this evening, his thought was to address this at the Willoughby Planning Commission meeting in March; however, due to the response and testimonials, the Administration will respond to Willoughby earlier. The Mayor stated that he will keep Councilman Potter updated, and he noted that the residents can contact his assistant, Helen Petersburg.

Councilman Potter stated that the Kirtland Police Department has been doing a good job of directing the residents to contact Willoughby Police Department with their complaints, and it is important that residents keep that pressure on Willoughby so they will realize that this is an issue that is not going away.

Todd Davidson, 9022 Elm Street, stated that according to the News Herald, a petition was signed 25 years ago to stop this same issue; he questioned what has changed since that time. He noted that Kirtland was a very rural area then, but it is not anymore. Responding to Councilman Potter, Mr. Davidson stated that he does not know whether the petition was on file in Willoughby or Kirtland.

Councilman Potter inquired of the Law Director whether a petition signed by the residents should be pursued. Mr. Richards advised that this issue involves the Kirtland Country Club, which is a non-governmental entity, and the City of Willoughby, which is a governmental entity. Noting that Mayor Davidson is engaging with the City of Willoughby, he stated that the best approach, which is looked to with favor by the Courts, is for the governments to try to work things out in an amicable fashion to avoid the necessity of going into disputes that involve litigation. Mr. Richards stated that sometime between now and March, when the Willoughby Planning Commission revisits the matter of the conditional use permit, a collection of information will be put together, including testimonials of residents, location maps showing the proximity of the complaints to the Kirtland Country Club, and the distinction of this type of noise from the noise of something such as a lawn mower. Mr. Richards stated that in his opinion, the noise of the shotguns cannot be cast over the border of the corporate entity without the City of Kirtland having some right to regulate that noise. Noting that some environmental studies have been done, Mr. Richards stated that the Kirtland Country Club will likely take the position that the noise is within acceptable levels as recognized by criteria or standards established by the industry. Mr. Richards recommended that the City of Kirtland go through the process that the Mayor has charted. Councilman Potter advised the residents that Mayor Davidson is keeping him informed of the situation as it progresses.

John Pshock, 7676 Maple Street, stated that he has been calling Willoughby every week, and they advised that they do not have many complaints about the skeet shooting. Mr. Pshock stated that the noise is very loud; he noted that there was a lot of opposition in the City meetings from residents in the area, but it was approved temporarily. He noted that they put up some sound barriers to protect the people in the Willoughby area, but they are shooting into Kirtland and the Kirtland residents are being affected by this.

Mayor Davidson stated that when he spoke with Mayor Anderson, the Planning Commission minutes were discussed, which stated the provision for an earthen berm directing the sound south towards Kirtland. The Mayor noted that Patrick Alexander, the representative for Kirtland Country Club, advised that there are two types of loads for the shotguns - a target load and a field load (the field loads are louder and the target loads have less power); the rules require that they are to use a target load, but some of their members have apparently used the field load.

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

Council President Umholtz thanked the residents for attending the meeting and he noted that the City of Kirtland will pursue this matter now rather than waiting until the Willoughby Planning Commission meeting in March. Mr. Umholtz advised that Mayor Davidson is collecting names and addresses of residents registering a complaint to plot on a map, in order to show the Willoughby Planning Commission or the Willoughby City Council where the complaints are coming from, noting that the noise is being heard not only in Ward 1, but also in Ward 2 and Ward 3. Mr. Umholtz noted that he also can hear it inside his house on Russellhurst. He stated that Council, the Mayor and the Law Director are aware of the situation, and as noted by the Law Director, the City needs to compile information in an organized effort to present a logical argument in this regard.

OLD BUSINESS:

None.

NEW BUSINESS:

- RESOLUTION NO. 16-R-1** - **A RESOLUTION AUTHORIZING THE CITY OF KIRTLAND TO ENTER INTO AN ADDENDUM TO THE AGREEMENT WITH THE VILLAGE OF KIRTLAND HILLS FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, AND DECLARING AN EMERGENCY.**
- (Mayor Davidson)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Potter. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC, UMHOLTZ AND EILERMAN. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC, UMHOLTZ AND EILERMAN. VOTING NAY: NONE).**

- RESOLUTION NO. 16-R-2** - **A RESOLUTION CONFIRMING THE APPOINTMENT OF GERALD RIBELLI TO THE BOARD OF HEALTH OF THE LAKE COUNTY GENERAL HEALTH DISTRICT, AND DECLARING AN EMERGENCY.**
- (Mayor Davidson)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Potter. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC, UMHOLTZ AND EILERMAN. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC, UMHOLTZ AND EILERMAN. VOTING NAY: NONE).**

- RESOLUTION NO. 16-R-3** - **A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**
- (Mayor Davidson)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Potter. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC, UMHOLTZ AND EILERMAN. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Potter. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC, UMHOLTZ AND EILERMAN. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Eilerman reminded Council members that the combined meeting with the Planning and Zoning Commission and the Board of Zoning Appeals is scheduled for Wednesday, January 20, following the regular Council meeting.

Mayor Davidson advised that the Board of Tax Review will now be comprised of two members appointed by Council and one member appointed by the Mayor; he noted that the Board meets as needed. The Mayor noted that the two members appointed by Council cannot be City employees, elected officials or contractors with the City. Finance Director Martinet stated that previously the Board members could be Council members, but this has changed as a result of House Bill 5. Council President Umholtz requested that Council members provide him with names if they have any suggestions.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote and the meeting adjourned at 7:38 p.m.

President of Council

Clerk of Council