

## **KIRTLAND CITY COUNCIL MINUTES**

**April 18, 2016**

The meeting of Kirtland City Council was called to order at 7:15 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, Kevin Potter, Matthew Schulz, Robert Skrbis, Joseph Smolic and R. Robert Umholtz. David Kirek was absent.

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.

### **ADMINISTRATION OF OATH OF OFFICE:** **Megan Keppler - Part-Time Police Officer**

Police Chief Baumgart introduced Megan Keppler, noting that she will be sworn in tonight as a new part-time police officer. Ms. Keppler was joined by her parents and her brother, and Mayor Davidson administered the Oath of Office. Noting that he has known her for many years, Chief Baumgart stated that Ms. Keppler attended Kent State University and has a degree in criminal justice; she also attended Kent Academy.

Chief Baumgart welcomed her to the Department, and she received the applause and congratulations of all those present.

### **PUBLIC HEARING:** **Resolution Nos. 16-R-16 and 16-R-17 Relating to "Block A" in Chapin Ledges Subdivision and Foxwood Forest Phase II Subdivision**

Council President Umholtz opened the public hearing to questions and comments. Councilman Potter inquired about the correspondence received by the Mayor from one of the property owners. Mayor Davidson noted that the two Resolutions relate to the easement, and there is a separate stormwater issue. With regard to the City relinquishing its rights to the easement, the Mayor noted that the Chapin Ledges Homeowners' Association has been 100 percent in support, and at this point it is his understanding that the Foxwood Forest Homeowners' Association is also 100 percent in support of the easement issue. Mayor Davidson stated that the City Engineer prepared a letter regarding the stormwater issue, which is a separate matter.

Council President Umholtz inquired if the easements were set up in conjunction with any plans for a future bike path. Mr. Kiefer stated that this was done shortly after the City had completed the first comprehensive plan and there were visions of bike paths throughout the City; and although it was a good idea, it has not worked out. Mr. Kiefer stated some of his concerns are that it would require people to ride on arterial streets, such as Eagle and Hobart, to get to the bike path, and it would entice people to ride along Route 306, which would be dangerous without a bike path. Mr. Kiefer stated that at that time the planner convinced the developers to include the future bike path easement; he noted that one of the provisions was if the City did not develop the bike path within 20 years, the property would revert to the adjoining property owners. Mr. Kiefer stated that due to the finances of the City and other needs, along with the wetlands issue that would need to be addressed, it does not appear that a bike path would be developed anytime soon.

**PUBLIC HEARING (continued):**

Councilman Schulz inquired if the City just became aware of the drainage issue. Mr. Kiefer stated that a resident contacted him previously, and he had advised that the City would address the drainage when the bike path was developed. Mr. Kiefer stated that a ditch along the back of the property was not dug out because at that time the Corp of Engineers was claiming jurisdiction of all ditches; he noted that the Commission advised the developer to not dig out the ditch. Mr. Kiefer stated that he believes the situation has changed since then, and it can be cleaned to some extent.

Mayor Davidson stated that a meeting was held with the developer and homeowners' association representatives, and it was their request that the City move forward with the Resolutions. The Mayor noted that the stormwater is a separate issue, and the Resolutions relate only to the easement. Mayor Davidson noted that the bike path would create a privacy issue for the adjoining residents. He noted that if the City does not develop the bike path, the property will be turned over to the adjoining property owners anyway. The Mayor stated that the City's primary focus is repaving, rebuilding and repairing roads; and he does not believe it is valuable for the City to maintain those easements for the bike path which is not part of a larger plan.

There were no further comments or questions, and Council President Umholtz closed the public hearing.

**MINUTES OF THE APRIL 4, 2016 WORK SESSION:**

Mr. Skrbis moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Skrbis moved to adopt the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: SKRBIS, SMOLIC, EILERMAN, POTTER AND SCHULZ. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

**MINUTES OF THE APRIL 4, 2016 COUNCIL MEETING:**

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Potter. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, as presented, with the second by Mr. Potter. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: SKRBIS, SMOLIC, EILERMAN, POTTER AND SCHULZ. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

**DEPARTMENT REPORTS:**

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

**Service Administrator Carm Catania** gave no formal report and no questions were asked of him.

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

**Finance Director Keith Martinet** advised that he is working to have the legislation for the bond anticipation notes on the agenda for first reading on May 2, noting that he is trying to have some of them consolidated.

**Police Chief Wayne Baumgart** did not present a formal report and no questions were asked of him.

**Law Director Daniel Richards** gave no formal report and no questions were asked of him.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson noted that there were some stormwater issues on Gaitside Trail in Rocking Horse. Noting that it is time to start submitting applications for 2017 stormwater funds, the Mayor stated that he has asked Mr. Kiefer and Mr. Catania to look at Rockwood and Ledgewood to see if it qualifies.

Mayor Davidson stated that the drainage project on Elm Street, which is primarily being done through Lake County Stormwater, is starting this week.

The Mayor noted that two donations (total of \$550) were received for beautification; they were greatly appreciated and thank-you notes have been sent.

Mayor Davidson stated that work is scheduled for Martin Road and Wrenwood Drive.

**STANDING COMMITTEE REPORTS:**

Councilman Smolic stated that the Safety Committee (Police & Fire Standing Committee) met today at 5:30 p.m. with Mr. Richards, noting that they will review their summary pertaining to the draft ordinance relating to dogs.

**CORRESPONDENCE:**

None.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

**William Svendsen, 10822 Crestwood Drive,** inquired about the status of the vicious animal ordinance, as a follow up to the dog that was killed by another dog last year. Council President Umholtz advised that the Police & Fire Standing Committee met this evening to review proposed changes to the City's ordinances; he noted that the Committee will meet one more time with the Law Director. Mr. Richards advised that an ordinance has been drafted and it is being studied by the Police & Fire Standing Committee; he noted that the committee met earlier this evening and reviewed the draft. Because it is a significant overhaul of the existing ordinance, Mr. Richards advised that further amendment is needed before it is brought before Council. Mr. Richards noted that in the meantime there is an existing State law and an existing City ordinance relating to vicious and dangerous dogs.

Mr. Svendsen stated that he has a concern about the lack of markings in the center of Route 306, particularly between the Geauga County line and Route 6. Mr. Svendsen noted that there used to be double yellow lines, but they have deteriorated and there are no "No Passing" signs. Mayor Davidson stated that he talked with the City Engineer and Service Administrator with regard to milling the center of the road on Route 306, and the paint would be subsequent to the repair. The Mayor stated that he will discuss this further with the City Engineer and Service Administrator. Councilman Schulz noted that Route 306 will be scheduled for repaving by the State of Ohio.

**Carol Petrou, 7272 Shadowbrook Drive,** stated that she attended a Council meeting about ten years ago to complain about her road. She stated concern about the tar and chip over a concrete road, noting that it has failed in the past; she stated that Shadowbrook is a concrete based road. Ms. Petrou stated that there are culverts for the drainage from Raccoon Hill, and someone threw stones down in there. She stated that she has an issue with how her road will be prepared and she questioned how Kirtland Lakes managed to get to the top of the list when they are a fairly new development.

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

Mayor Davidson stated that Kirtland Lakes was done in the first year of the levy under the prior administration, and because of the condition of the road and the amount of rain, the entire road came apart and it had to be redone. The Mayor noted that it was originally built under a lower standard, which was compacted clay, than exists now. He noted that additional drainage was installed last year. Mayor Davidson stated that the road is in very good condition now, and it will not get the topcoat this year as desired so that other roads can be addressed.

The Mayor noted that the contractors that will do the chip and seal will use a smaller diameter aggregate and it is rolled in with a rubber tire roller; it is controlled and all the loose material is swept off. Mayor Davidson stated that he has a document he can share with her, noting that ODOT states that the chip and seal is good for roads with traffic under 2000 cars per day and speed limits of 35 to 45 mph or less; and it is a good way to preserve the road.

**OLD BUSINESS:**

**RESOLUTION NO. 16-R-13**  
**(Mayor Davidson)**

- **(Third Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; CAPITAL PROJECT FUND #300; CAPITAL PROJECT FUND #306; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE MAY 31, 2016 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only. Mr. Schulz moved to adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, POTTER AND SCHULZ; VOTING NAY: NONE).**

**RESOLUTION NO. 16-R-15**  
**(Mayor Davidson)**

- **(Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; CAPITAL PROJECT FUND #301; CAPITAL PROJECT FUND #309; GENERAL OBLIGATION BOND FUND #600; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 15, 2016 TO GENERAL OBLIGATION BOND FUND #600; CAPITAL PROJECT FUND #307 WORRELL ROAD; CAPITAL PROJECT FUND #311 306 STABILIZATION; GENERAL FUND #100; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only and placed on Second Reading.

**RESOLUTION NO. 16-R-16**  
**(Mayor Davidson)**

- **(Second Reading) - A RESOLUTION VACATING, RELINQUISHING AND RELEASING ANY AND ALL INTEREST OR RIGHT IN AND TO BLOCK A, SO PLATTED ON THE SUBDIVISION PLAT OF CHAPIN LEDGES AS A 50 FOOT WIDE UTILITY EASEMENT FOR A FUTURE PEDESTRIAN AND BIKE TRAVEL ONLY.**

Read by title only and placed on Second Reading.

**OLD BUSINESS (continued):**

**RESOLUTION NO. 16-R-17**  
**(Mayor Davidson)**

- **(Second Reading) - A RESOLUTION VACATING, RELINQUISHING AND RELEASING ANY AND ALL INTEREST OR RIGHT IN AND TO BLOCK A, SO PLATTED ON THE SUBDIVISION PLAT OF FOXWOOD FOREST PHASE II AS A 50 FOOT WIDE UTILITY EASEMENT FOR A FUTURE PEDESTRIAN AND BIKE TRAVEL ONLY.**

Read by title only and placed on Second Reading.

**NEW BUSINESS:**

**RESOLUTION NO. 16-R-18**  
**(Mayor Davidson)**

- **A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CURRENT LEVY OF 0.85 MILL FOR COMMUNITY SENIOR CITIZEN AND RECREATIONAL FACILITIES AND PROGRAMS AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE LEVY RENEWAL, AND DECLARING AN EMERGENCY.**

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

**RESOLUTION NO. 16-R-19**  
**(Mayor Davidson)**

- **A RESOLUTION PURSUANT TO SECTION 5705.19(h) OF THE OHIO REVISED CODE SUBMITTING TO THE ELECTORS OF THE CITY A QUESTION OF PROVIDING FOR A RENEWAL OF THE CURRENT LEVY OF 0.85 MILL FOR FIVE YEARS FOR COMMUNITY SENIOR CITIZEN AND RECREATIONAL FACILITIES AND PROGRAMS, OUTSIDE THE TEN MILL LIMITATION.**

Read by title only and placed on First Reading.

**RESOLUTION NO. 16-R-20**  
**(Mayor Davidson)**

- **A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 30, 2016 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only and placed on First Reading.

**NEW BUSINESS (continued):**

**RESOLUTION NO. 16-R-21**  
**(Mayor Davidson)**

- **A RESOLUTION ADOPTING THE RECOMMENDATION OF THE PUBLIC UTILITIES COMMISSION OF THE CITY OF KIRTLAND RELATING TO SEWER CHARGES FOR PROPERTY LOCATED ON GLEN PARK ROAD AND IDENTIFIED AS PARCEL NO. 20-A-014-A-00-064-0.**

Read by title only. Councilman Skrbis inquired about the financial impact. Mayor Davidson stated that the lots in the Templeview Subdivision are extremely small, and this resident combined two lots to build one home and would like to pay one sewer charge. With regard to the effect on the total development, Mayor Davidson stated that the sewer charges will increase 1/69th for the residents in that neighborhood. Mr. Martinet stated that funds are sufficient now, and the rate would not have to be increased now; he noted that the rate would likely be increased in 10 to 12 years. Mr. Martinet stated that the Public Utilities Commission agreed that the consolidation of the benefit units for billing purposes would be effective on July 1, and the Resolution can receive three readings. The legislation was placed on First Reading.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

None.

**PUBLIC COMMENTS:**

**Elder Grant Howarth (LDS Church)** stated his appreciation to the Mayor for writing a letter of support for the Interstate 90 exit ramp signs providing direction to Historic Kirtland. He noted that they also received approval for a temporary sign during the RNC Convention. Elder Howarth stated that Representative Joyce and Senator Portman also wrote letters of support.

**ADJOURN INTO EXECUTIVE SESSION:**

Council President Umholtz stated that he would entertain a motion to adjourn into executive session for the purpose of discussing the sale of property pursuant to Article I, Section 7(b) of the City Charter. Mr. Skrbis so moved, and Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, POTTER AND SCHULZ. VOTING NAY: NONE).** The executive session convened at 7:55 p.m.

**RETURN TO REGULAR SESSION:**

Mr. Skrbis moved to adjourn the executive session, with the second of Mr. Smolic, and the executive session adjourned upon unanimous vote at 8:20 p.m., and the regular session of Council reconvened.

**ADJOURNMENT:**

Mr. Skrbis moved to adjourn, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote and the meeting adjourned at 8:21 p.m.

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President of Council

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Clerk of Council