

KIRTLAND CITY COUNCIL MINUTES

June 20, 2016

The meeting of Kirtland City Council was called to order at 7:06 p.m. by Council President R. Robert Umholtz. Mr. Skrbis led the prayer which followed the Pledge of Allegiance. The members of Council present were: Kevin Eilerman, David Kirek, Robert Skrbis, Joseph Smolic and R. Robert Umholtz. Kevin Potter and Matthew Schulz were 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.

MINUTES OF THE JUNE 6, 2016 COUNCIL 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 3/0/2 (VOTING YEA: EILERMAN, KIREK AND SMOLIC. VOTING NAY: NONE. ABSTAINING: UMHOLTZ AND SKRBIS).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton announced that Vicki Grinstead, the Fire Department secretary, has accepted a full-time position for the City of Willoughby and will be leaving at the end of the month.

Police Chief Wayne Baumgart advised that Route 6 in Willoughby Hills was closed today. Chief Baumgart stated that no problems arose at the Strawberry Festival.

Chief Baumgart advised that he would like to recognize some individuals with awards from the Police Department. For the 2014 employee of the year, Chief Baumgart recognized Mitch Cook, noting that his contribution to improving the facility and his positive attitude have improved the morale in the Police Department. Chief Baumgart recognized Vicky Godfrey as 2015 employee of the year, noting that she has been an asset to the Police Department as a dispatcher. For 2014 officer of the year, the Chief recognized Officer Michael Valenti, noting that he has also recommended him for a Meritorious Service Award from the Lake County Chiefs Association for his actions in a recent hostile situation. Chief Baumgart recognized Sergeant Lance Nosse as 2015 officer of the year, noting that he has provided valuable leadership to the Department, even before his promotion to Sergeant. Chief Baumgart noted that Sergeant Nosse also graduated from the Police Executive Administrative Leadership Seminar in 2015 and from the Ohio Public Safety Leadership Academy in June. Chief Baumgart awarded an Exceptional Service bar and medal to Sergeant Jamey Fisher in recognition of his efforts in a number of investigative matters over the last two years. The Chief noted that Sergeant Fisher has also encouraged other officers in developing their skills, and he graduated from the Police Executive Administrative Leadership Seminar in May of 2016.

Each of the individuals recognized came forward with their families to receive their awards, and they received applause from all those present. Council President Umholtz commented that the City of Kirtland is fortunate and proud to have quality officers and employees.

Councilman Eilerman stated his thanks to the police officers for all of their efforts at the Strawberry Festival, noting that they did a great job.

DEPARTMENT REPORTS (continued):

Service Administrator Carm Catania advised that the road program is progressing well. He advised that drainage work was done on Shadowbrook and the road work was started. He noted that chip and seal will be used on Killdeer, with a finish coat on top. Mr. Catania advised that Eagle Road will be resurfaced between Route 306 and Deerfield. He noted that the Issue 2 projects will start in July.

Councilman Smolic noted that a Killdeer resident has indicated that he is not happy that the road will be chip and seal. Mr. Catania stated that the sealer coat will tighten up all the stone, and it is a good start for future paving. Responding to Councilman Smolic regarding a time frame for putting down asphalt after chip and seal, Mr. Catania stated that the chip and seal will protect the road for many years based on the volume of traffic and the speed limit.

Councilman Skrbis stated that he needs to follow-up with a Wisner Road resident with regard to erosion of the road. City Engineer Kiefer stated that Chagrin River Watershed Partners will help look for grant money. Mr. Skrbis inquired if anything needs to be done immediately from a safety standpoint. Mr. Catania stated that he will discuss possible measures with the Mayor.

Mr. Skrbis inquired about Jason Washburn's property at 10861 Chillicothe, noting that his neighbor is either plugging or redirecting the flow of water and Mr. Washburn was told it is likely a private issue. Mr. Kiefer noted that some of the water might be redirected if work is done on the south ditch on Bridlehurst. With regard to the neighbor's piles on the property line, Mr. Kiefer noted that is a civil matter.

Mr. Skrbis thanked Mr. Catania for sending a notice of violation with regard to the fallen trees and shrubbery at a Christina Drive residence.

Mr. Smolic thanked Mr. Catania for the patching that was done on Monterey, noting that the residents were pleased. Mr. Smolic noted that the grass was finally cut at the house on Rockwood.

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

Finance Director Keith Martinet advised that he has prepared, posted and distributed the April financial statements.

Law Director Daniel Richards did not present a formal report. Referring to Mr. Washburn's property on Chillicothe Road, Councilman Skrbis inquired about the neighbor's dumping of materials and creating a water barrier. Mr. Richards noted that the City has looked into this through the City Engineer, and it is not a matter that is under the enforcement of the City. Mr. Richards stated that the private property owner has the right to take legal action against the offending party in order to protect his property. Noting that it has been two years since he visited the property, Mr. Kiefer stated that he and Mr. Catania will take another look at the property in the next couple weeks.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson noted that the Safety Town graduation was held last Friday at the Community Center. The Mayor thanked Wendy Bak, Jenna Hull, the Police Department and the Fire Department for their involvement with Safety Town, which is an important part of the Recreation budget.

With regard to the economics of chip and seal for the roads, Mayor Davidson noted that the City was \$100,000 over budget last year on Lakebrook, but the work had to be done. He stated that it left a budget of approximately \$300,000 this year, noting that the work on Martin and Wrenwood, including the cement base, ditching, widening and chip and seal, was done at a cost of approximately \$110,000 which is approximately 31 percent of the budget. The Mayor noted that if hot mix asphalt was used, the cost would

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

have been approximately \$220,000 which is 73 percent of the paving budget for the year that would have been used on two streets, and the length of those streets is 0.64 miles. The Mayor stated that the City has to do more roads and improve more base, and the funds must be used carefully. With regard to Martin and Wrenwood, Mayor Davidson stated that the top coat took care of the issues with dust and loose gravel on the 25 mph roads, and emergency and fire trucks can now get down the road because of the widening. The Mayor stated that he is pleased with the work the Service Department is doing, particularly the patching and road preparation to assure that the road work is done correctly.

Mayor Davidson stated that he appreciates the Police Chief's recognition of the activities and achievements of the employees and the officers.

Councilman Skrbis advised that he received e-mail correspondence from Mike Young (neighbor to the dog park) stating that he has been awakened as early as 5:15 a.m. from noise at the dog park, and there is noise late into the evenings. Mr. Skrbis noted that he advised Mr. Young to call the Park Ranger for these types of events so it can be put on record.

STANDING COMMITTEE REPORTS:

Councilman Smolic stated that the Committee will schedule a meeting to review the updated dog ordinance draft. Mayor Davidson inquired about bringing the ordinance to Council as a whole. Mr. Smolic stated that the Committee should be able to bring this to Council for the next meeting on July 6.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Stanley Rus, 8764 Far Bar Road, addressed Council regarding an issue of pit bulls running loose. He stated that he has been pinned in his house by two of the dogs, noting that the owners constantly let the dogs run loose. Mr. Rus stated that the police have been there many times. He stated that he is concerned for his safety and the safety of his animals. Chief Baumgart advised that the owner of the dogs was given a warning, and then cited; he noted that the dogs have not been adjudicated as dangerous animals, and they have not been removed.

Council President Umholtz advised that on July 6 Council will be reviewing recommendations for the dog ordinance, noting that the ordinance will contain a definition of a dangerous or vicious dog and will address the procedure once that status is determined.

David Fritsche, 10617 Crary Lane, stated that he has been cornered in his back yard by these dogs; he noted that when the police were called the owners informed the officers that they do not have any dogs. Mr. Fritsche stated that the owners have lived there for several years, and every dog they have owned has been allowed to run loose. Mr. Fritsche stated that a month ago, 17 of his chickens were killed by these dogs. Responding to the Law Director, Mr. Fritsche stated that he did not witness the attack on his chickens, but he is certain that the dogs were responsible. Mr. Fritsche stated that he is fearful because the dogs are quite vicious and the owners are irresponsible pet owners.

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

Law Director Richards noted that the City has to operate within the code that is in effect, which has been on the books for many years and is in conformance with the State code. Mr. Richards stated the extreme importance of evidence in establishing a case to convince a judge or jury. Mr. Richards advised that the City is reviewing a complete revision of the ordinance relating to dogs, noting that the City must move carefully because the ordinance could be challenged; he noted that the City needs to make sure that the law can reasonably be enforced.

Mayor Davidson recognized that it is difficult for the residents to share their story. He asked that they continue to call the Police Department when the dogs are loose so there will be a record of the incidents and necessary evidence; he noted that a video recording showing the aggressiveness of the dogs would be helpful. Referring to a recent situation in which dogs were adjudicated as dangerous dogs, Mayor Davidson stated that two of the dogs were euthanized, and a permit has been pulled for a fence to contain the other dog. The Mayor urged the residents to be persistent and patient, noting that the officers will continue to take reports and issue citations when necessary.

Councilman Skrbis suggested that the residents distribute flyers in the neighborhood regarding nuisance dogs and providing the telephone number of the Police Department and the Lake County Dog Warden; he noted that Facebook might provide a means of communication. Mr. Skrbis suggested that the residents also contact him with regard to these issues. Mr. Rus stated that they have been in contact with the dog warden.

Chief Baumgart advised that in order for a citation to be issued, the officer has to witness the violation; he noted that if a resident presents a video, the officer can get a warrant. Council President Umholtz noted that evidence is needed in court, otherwise it becomes one person's word against another.

OLD BUSINESS:

RESOLUTION NO. 16-R-28 - **(Third Reading) - A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2017.**
(Mayor Davidson)

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, EILERMAN, KIREK, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 16-R-29 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT 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. Eilerman. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: UMHOLTZ, EILERMAN, KIREK, SKRBIS AND SMOLIC. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Eilerman. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, EILERMAN, KIREK, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Skrbis inquired about two occupied trailers at 10777 Chillicothe Road. Mr. Catania stated that he visited the property last week; he noted that they are mobile homes from the 1950's and it appears they have been there for over 50 years, prior to zoning. He noted that they are very secluded. Councilman Skrbis stated that there are different tenants. Councilman Eilerman inquired whether the change in tenants would require this to be brought into conformance. Law Director Richards advised that he will look into this.

Police Chief Baumgart noted that the City received a notice from the Ohio Division of Liquor Control for a D1, D2 and D3 permit transfer from John Tutolo, dba BIGA Restaurant, to BIGA LLC, dba BIGA Wood Fired Pizzeria. Chief Baumgart confirmed that there have been no problems regarding the establishment's liquor permit. Council did not request a hearing in this regard.

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 8:05 p.m.

President of Council

Clerk of Council