

KIRTLAND CITY COUNCIL MINUTES

May 16, 2011

The meeting of Kirtland City Council was called to order at 7:13 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, Robert Skrbis, R. Robert Umholtz and Donald Webbe. Absent: Matthew Schulz.

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

KIRTLAND POLICE DEPARTMENT COLORING CONTEST – PRESENTATION OF AWARDS:

Police Chief Baumgart stated that the Kirtland Police Department sponsored a coloring contest for three separate age categories. He advised that the winners were selected and awards will be presented for “first place” and “second place” for each of the three age categories. Chief Baumgart asked the winners to come forward – age 3-4 age group, Elise, first place, and Hanna, second place; age 5-6 age group, Alexa, first place, and Adam, second place; and age 7-9 age group, Cameron, first place, and Ashley, second place. Compliments of the Kirtland Police Association, each first place winner was presented with a new bicycle, and each second place winner received four admission tickets to Lake Farmpark. Also, the winners’ original entries were framed and presented to each of them.

The winners received the congratulations of Council and the applause of all those present. Chief Baumgart expressed his thanks to Michelle Hauser for all of her efforts in regard to the coloring contest.

MINUTES OF THE MAY 4, 2011 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

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

Service Administrator Carm Catania advised that work began last Monday at Route 6 and Sperry Road. Noting that the Department employees did a great job, Mr. Catania stated that they were ahead of schedule; however, they will soon be behind due to the weather.

Councilman Skrbis stated that he received an anonymous call regarding several construction vehicles parked on a Locust Drive property. Mr. Catania stated that he will look into this.

Mr. Skrbis stated that he was contacted by a resident of Prelog Lane with regard to the condition of the street. Mr. Catania stated that a few complaints have been received about Prelog. He advised that Michelle Hauser replied to e-mails in this regard, noting that the asphalt plants were not yet open when the City received the complaints. Mr. Catania advised that the street will be patched as necessary to keep it safe.

DEPARTMENT REPORTS (continued):

Commenting on the Billings Road property that has several vehicles parked on the lot, Councilman Kirek stated that it is his understanding they are now in the scrap business; they buy used cars for the scrap metal. Mr. Catania stated that he visited the property approximately one month ago and that all of the vehicles had plates and were licensed to the property owner, with the exception of the trailer, that may not have a license plate. Mr. Catania stated that there is nothing to prohibit them from having the trailer, noting that the Police Dept. may be able to address the lack of a license plate. Mr. Catania stated that when he visited the property, there were no visible signs of any exterior maintenance violations or zoning violations, but that he will check the property again. Councilman Powell stated that he also visited the property recently and did not see any violations.

City Engineer Philip Kiefer did not present a formal report. Councilman Powell inquired about the status of future stormwater planning for the City, other than what is provided by Lake County Stormwater. Mr. Kiefer stated that he has compiled a list of all the problem areas to this point.

Finance Director Keith Martinet stated that he is working on the tax budget for Lake County, which will be on Council's agenda. He noted that the legislation for the bond anticipation notes will soon be on the agenda for passage in July.

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 Mark Tyler acknowledged that Fire Chief Hutton received an American Red Cross Hero Award at a May 5 presentation. The Mayor offered his congratulations to Chief Hutton.

Mayor Tyler stated that a babysitting basics course was held on Saturday, May 7, at the Community Center, noting that it was well attended. He noted that it was taught by Wendy Bak and Firefighter Dan Samf.

The Mayor noted that he attended the NOACA monthly meeting on Friday, May 13.

Mayor Tyler advised that start-up of the Markell Road pump station was attempted. He stated that it was semi-successful, noting that the pumps were operating but all of the testing could not be completed. The Mayor stated that another start-up will be attempted tomorrow and the project will be substantially complete when water can be pumped up the hill.

Mayor Tyler advised that he was appointed by the State Auditor to serve on an advisory committee, noting that he attended a meeting in Canton on Friday afternoon. He noted that Dave Yost was the lead presenter at the meeting.

The Mayor noted that he drove around the City on Saturday following the heavy rains. He stated that the Public Works Department, the Police Department and the Fire Department were responsive of the issues. The Mayor stated that there were some issues at Eisenhower and Saxon, noting that he was able to talk to some of the residents. He noted that Tim Rosboril and Jack Miller of the Service Department came out and took care of the catch basins that were plugged, which alleviated some of the problem. The Mayor noted that the wet spring has been a challenge.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Tyler stated that the census figures have been received, noting that the City received a Proclamation from the Secretary of State of Ohio stating that the City of Kirtland population is 6,866.

Councilman Skrbis inquired about the water at the bottom of Route 306 at Kirtland-Chardon Road. Mr. Catania advised that a French drain was installed in the tree lawn for the surface water running down the hill when Route 306 was widened; he noted that it was removed for the sewer construction and the contractor will re-install it.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Matthew Ridgeway, 8510 Bridlehurst Trail, addressed Council with regard to water drainage issues on his property. Noting that he has appeared before Council in the past, Mr. Ridgeway stated that this has been an ongoing problem. He stated that in February he had six inches of water in his basement and that he has had flooding six times in the last two and one-half years, noting that the water has been five to six feet deep. Mr. Ridgeway stated that he is requesting suggestions for a plan to correct this problem.

With regard to the basement flooding, Councilman Skrbis stated that it was his understanding that Mr. Ridgeway would be installing a check valve. Mr. Ridgeway stated that a check valve was not installed, noting that he would still have to be home to pump out the water. Mr. Ridgeway stated that two out of the six times, the City has come out, and there were comments that it was a design flaw. Noting that he has four children, he stated that the flooding is a safety issue.

Mr. Skrbis stated that this was discussed previously, and it was noted that there is a solution, but it is quite costly. Mr. Skrbis inquired whether there is another solution.

Councilman Davidson stated that in addition to the drainage issues on Mr. Ridgeway's property, he observed that up the street from Mr. Ridgeway, only the top of the fire hydrant was visible above the water, although the water dissipated. With regard to smaller drainage issues, Mr. Davidson noted that it would be helpful if residents or their landscapers would check their culverts, if they have the ability to do so. With regard to drainage issues on Eisenhower and Saxon, Mr. Davidson noted that an 18 inch pipe was used to fill in a fairly big ditch; he questioned whether the pipe is large enough.

Councilman Webbe noted that there were four houses on Russellhurst with basements flooded today. Mr. Webbe stated that he had drainage issues during the 100-year rain, and again now. He noted that there is too much water everywhere due to all of the rain. However, Mr. Webbe stated that the City should see what can be done to help Mr. Ridgeway with the issues on his property.

Fire Chief Hutton stated that the Fire Department has been to Mr. Ridgeway's property multiple times to help out; he noted that he agrees that it is a safety issue.

Mayor Tyler requested that Mr. Kiefer and Mr. Catania meet with Mr. Ridgeway to discuss this issue.

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

Mr. Skrbis inquired about the cause of the issue and questioned what can be done to correct it. He inquired whether the size of the pipe is an issue. Mr. Kiefer noted that installing another culvert was discussed; he noted that it would require a detention basin downstream, which is a costly solution.

Councilman Powell inquired if the direction of the water flow is an issue, noting that debris gets stuck in the pipe and creates a back-up due to the 90 degree angle. Mr. Catania stated that there are two pipes in Mr. Ridgeway's front yard that would need to be increased in size, and pipe under the road would need to be increased in size. Mr. Catania stated that the drainage has been a problem because the original property owner did not build according to the approved site plan; he noted that there is a walk-out basement that was not on the original site plan.

Phil Dular, 8505 Bridlehurst Trail, stated that he lives across the street from Mr. Ridgeway. He stated that he has lived on the street for 33 years, and the property being discussed has always had a pond of water on it, and even with a normal rain a lot of water ran off the property. Mr. Dular stated that the water runs off the property to Bridlehurst. He questioned placement of a larger pipe across the road, noting that the ditch is already eight feet deep. He stated that the last time the ditch was cleaned was August 12, 2002, noting that the City was there with equipment to clean the ditches. Mr. Dular stated that a retaining wall was built on May 28, 1996, approximately 500 feet from the road. He stated that the retaining wall is gone, noting that over the last month or so, due to all of the rain, he has had a lot of erosion between the road and the curb. Mr. Dular stated that it is his personal opinion that the house should never have been built there because there was already water sitting on the property. Mr. Dular questioned whether putting a larger pipe along the ditch would help.

Mr. Umholtz inquired whether the previous owner disclosed any of these issues to Mr. Ridgeway. Mr. Ridgeway stated that it was disclosed that there was water in the basement one time, and that \$25,000 worth of drainage was then installed. He noted that it was for sale by owner.

Mr. Umholtz requested that Mr. Ridgeway schedule an appointment with Mr. Catania and Mr. Kiefer as the Mayor suggested.

Clarence Harless, 7724 Eisenhower Drive, stated that his property was flooded on Saturday, noting that the last two times was the worst it has flooded. He inquired whether anything can be done to re-route the water coming down the hill. Mr. Harless stated that he has lived there for 38 years, and his back yard has never flooded like it did now. Mr. Catania stated that he will contact Mr. Harless in the next couple of days to schedule a time to meet with him on the property. Mr. Harless expressed his thanks to the City crews for coming out on Saturday to open up the drains.

Councilman Powell stated that he received a telephone call from Mr. Suhadolnik of 7741 Saxon Drive regarding concerns he has about the natural drainage from the hillside and putting in a pipe without EPA approval. Mr. Powell stated that Mr. Suhadolnik mentioned the size of the ditch and that the pipe was possibly too small. He moved into his house in 1962 and has never seen his yard flood until the pipes were installed; he mentioned that he has contacted legal counsel. In response, Mr. Catania stated that Mr. Kiefer is an excellent civil engineer and he does extensive research before he determines the size pipe that is needed. Mr. Catania stated that before the pipes were installed and the main line at the corner of Saxon and Eisenhower was lowered, the neighborhood flooded every time it rained, noting that the houses now being discussed are in the back corner, on the high end. Mr. Catania stated that this water is coming down the hill from Bluff and Joseph Street, noting that if residents do not clean out their ditches and keep the catch basins free of leaves and debris, people downstream will be affected; he stated that it is not because of the pipe size. Mr. Catania stated that the pipe was installed because the hillside was eroding into the open ditch that was there, and Mr. Kiefer sized the pipe after researching the situation. Mr. Catania stated that a great deal of research and design work is done before installing anything of such consequence.

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

Councilman Skrbis suggested that a publicized open session be held to educate the public on how to handle surface water. Mr. Catania stated that Lake County Stormwater Management has a website that contains a great deal of information on handling stormwater; he noted that there are also pamphlets in the lobby of City Hall. Mayor Tyler noted that this can be addressed in the next City newsletter, as well as by posting information on the City website.

OLD BUSINESS:**RESOLUTION NO. 11-R-16
(Mayor Tyler)**

- (Third Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 30, 2011 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only. Mr. Webbe moved to adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).**

**RESOLUTION NO. 11-R-17
(Mayor Tyler)**

- (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW PROJECT #300; GENERAL OBLIGATION BOND FUND #600; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JULY 15, 2011 TO GENERAL OBLIGATION BOND FUND #600; GENERAL FUND #100; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on Second Reading.

**RESOLUTION NO. 11-R-18
(Mayor Tyler)**

- (Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE NEW LAKE COUNTY 800 MHZ RADIO EQUIPMENT FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

NEW BUSINESS:

RESOLUTION NO. 11-R-20
(Mayor and Council)

- **A RESOLUTION HONORING MICHAEL L. VALENTI UPON HIS RETIREMENT FROM THE UNITED STATES MARINE CORPS.**

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

Council President Umholtz noted that this Resolution will be presented to Officer Valenti at the Memorial Day ceremony; he urged the Council members to be present, if possible. Mr. Umholtz stated that, as previously mentioned by Mr. Davidson, Jim Naughton and Bill Wright prepared for the community a book listing all of the veterans to the present time. Mr. Umholtz stated that Mr. Naughton requested all Council members, especially those that are veterans, to please be present at the Memorial Day ceremony. Mayor Tyler noted that the parade steps off at 10:00 a.m. from the High School, and the ceremony will follow.

RESOLUTION NO. 11-R-21
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW 2011 FORD EXPLORER FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Read by title only. Mayor Tyler requested that Council waive the three readings. Mr. Davidson moved to waive the three readings, with the second by Mr. Webbe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).** Mr. Davidson moved to declare an emergency and adopt, with the second by Mr. Kirek. In discussion, Mr. Webbe inquired about the need for an emergency. Fire Chief Hutton advised that it is an emergency due to timing, noting that the City missed the State bid pricing on the vehicle, but Classic Ford will match the State bid price for a short period of time. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).**

RESOLUTION NO. 11-R-22
(Mayor Tyler)

- **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.**

Read by title only. Mayor Tyler advised that this legislation can receive three readings. Councilman Powell requested that Council be informed before items are posted. Councilman Davidson inquired about the venue for advertising; Mr. Catania advised that the items will be listed on GovDeals.com.

* * * * *

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. The time was 8:09 p.m.

President of Council

Clerk of Council