

KIRTLAND CITY COUNCIL MINUTES

June 3, 2013

The meeting of Kirtland City Council was called to order at 7:10 p.m. by Council President Pro Tempore Timothy Powell. 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 and Donald Webbe. R. Robert Umholtz arrived shortly after the meeting commenced.

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

MINUTES OF THE MAY 20, 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 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report has been distributed. Councilman Webbe inquired whether CPR classes will be offered in the near future. Chief Hutton advised that CPR classes are offered through the Community Center and are advertised in the City newsletter; he stated that he will contact Mr. Webbe when the classes are offered again.

Police Chief Wayne Baumgart noted that the formal report has been distributed. Referring to the recent black bear sighting, Councilman Schulz inquired if there is any protocol that residents should follow if they see a bear, besides contacting the Police Department. Chief Baumgart stated that if residents see any bears, they should leave them alone and stay away from them.

Patricia Zaller, 9690 Glenstone Drive, asked the Police Chief if information from old records can be requested online. Chief Baumgart advised that she can e-mail the Police Department with her request.

Service Administrator Carm Catania did not present a formal report. Responding to an inquiry from Councilman Skrbis regarding a resident on Wilbert Drive, Mr. Catania stated that the resident incorrectly installed a pipe; he noted that he spoke with the resident and that it will be taken care of tomorrow.

Councilman Catania inquired about the house on Route 306 across from Conley Drive. Service Administrator Catania stated that the City has applied for grant money from the Lake County Land Bank to have three abandoned houses razed, including this one; he noted that the Law Director has been working on the details. Service Administrator Catania stated that the City and the Lake County Auditor have been unable to locate the property owner of record. Councilman Catania inquired whether the taxes have been paid. Service Administrator Catania stated that he will have to check with the Auditor.

Referring to a house on Route 6, Councilman Powell inquired whether some of the grant money could be used for that house. Service Administrator Catania stated that this house has also been submitted for grant money for this purpose, noting that three houses were submitted.

DEPARTMENT REPORTS (continued):

Councilman Skrbis inquired about a septic odor that was noticed in the area of Wilbert and Billings. Mr. Catania stated that he has not heard back from the Health Department.

Referring to a house on Billings Road, Mr. Skrbis stated that the grass is high and it appears to be vacant. Mr. Catania stated that he will look into this.

City Engineer Philip Kiefer did not present a formal report. Mr. Kiefer noted that the sewer extension at the bottom of the hill has been approved by the EPA and is now being reviewed by the Lake County Department of Utilities.

Finance Director Keith Martinet gave no formal report and no questions were asked of him.

Law Director Daniel Richards did not present a formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler stated that May 24 was Government Day at Kirtland City Hall, noting that approximately 100 third graders from Kirtland Elementary School visited City Hall to learn about local government.

The Mayor noted that the Memorial Day parade and ceremony were held on Monday, May 27, followed by the picnic at the Community Center.

Mayor Tyler advised that a meeting was held at 6:00 p.m. today with representatives of The Holden Arboretum to discuss the proposed deer fence. The Mayor noted that the matter is still under discussion and that the Arboretum will provide additional information to the City before this matter goes back to the Planning & Zoning Commission.

STANDING COMMITTEE REPORTS:

As Chairperson of the Public Relations Standing Committee, Councilman Schulz mentioned that the Council members' bios will be going forward before the Council recess, noting that he will forward the information to the Council Clerk.

As Chairperson of the Planning and Zoning Standing Committee, Councilman Powell noted that he has been looking into fracking and is trying to get a basis of other communities that have addressed this matter; he noted that he is in the process of contacting various township trustees in this regard.

CORRESPONDENCE:

1. Zoning Permit Request: **Nancy Clapacs** was present to request Council approval for the issuance of a zoning permit for Sublot 9 in Lazio's Ridge Subdivision, Phase II. City Engineer Philip Kiefer advised that the subdivision has been approved and he recommended that Council authorize the issuance of a zoning permit for a new residence. Mr. Webbe moved to grant the approval, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: UMHOLTZ, WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Patricia Zaller, 9690 Glenstone Drive, addressed Council with regard to the condition of a property on Glenstone Drive, noting that this has been an ongoing issue. Mrs. Zaller stated that she has spoken to her Councilman. She stated that the property owner is collecting garbage in his yard and is in violation of the City's ordinances. Mrs. Zaller stated that the City sent a letter to him last July, but it has gotten worse. Mrs. Zaller stated that they were unable to sell their house when the market was hot, and she stated concern about her property value. Service Administrator/Zoning Inspector Catania stated that he was under the impression last year that the property owner's church was going to help him out. Mr. Catania stated that he will issue a citation to the property owner tomorrow for the exterior maintenance condition of the house.

Mrs. Zaller stated that another resident on the street has a wolf and a German Shepherd, and there is constant howling and barking. She stated that she has called the Police Department, but they have not been cited because the Police have not heard the dog when they have come out.

Raymond Zaller, 9690 Glenstone Drive, stated that, with regard to the subject property on Glenstone Drive, the car doors are open and raccoons are living in the car now. Mr. Catania stated that he will contact the Health Department.

Stephanie Henison, 9670 Glenstone Drive, stated concern about the safety of neighboring residents due to this property owner's odd behavior. Council President Umholtz advised that the City cannot take action unless he does something that is in violation of the law.

Mr. and Mrs. Zaller expressed their frustrations about this ongoing situation. Mr. Zaller noted that every time the house goes into foreclosure, someone bails the property owner out. Mr. Catania advised that he does not have the authority to condemn the house, but he will bring it to the attention of those with that authority.

Council President Umholtz stated that the residents should call the Police Department if they observe any odd behavior.

David Henison, 9670 Glenstone Drive, inquired who will make sure this is handled properly since it was not resolved last year. Council President Umholtz stated that Mr. Catania will do everything that he is legally permitted to do to address this situation.

Clay Baldwin, Elder of Facilities at New Promise Church, 8671 Euclid-Chardon Road, stated that for the past three or four years, the church has asked for a street light in front of the building; he noted that he has talked to the Mayor, the Service Administrator, and Council President Umholtz in this regard, and that the pastor has talked to Councilman Skrbis. Mr. Baldwin stated that a number of people have almost ended up in the ditch because it is too dark to see the driveway at night. Mr. Baldwin stated that the church is willing to pay for a street light if it is a budgetary problem. Mr. Catania stated that he has repeatedly faxed the request to CEI, but that the City is at the mercy of CEI's workload, and CEI prioritizes their jobs. With regard to paying for the street light, Mr. Catania noted that the City is billed monthly for every street light in the City. Mr. Catania stated that he will contact the City's representative for CEI. Police Chief Baumgart commented that there was an accident in that area recently due to lack of lighting.

Mr. Baldwin noted that the nearest street light is at the intersection of Route 306, so it is very dark in that area and it is difficult for people to see the church driveway at night. Councilman Powell questioned whether CEI will only provide street lights at intersections.

Service Administrator Catania stated that due to cutbacks in manpower at CEI, it has been difficult in the past few years to get non-emergency work done.

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

Mr. Baldwin inquired about the possibility of having entrance and exit lighting. Mr. Catania stated that he would have to look at the Zoning Code in that regard.

Councilman Powell inquired whether a street light request has to be submitted through the City. Mr. Baldwin advised that the church initially contacted CEI, and they were told to contact the City. Noting that the Police Chief indicated that there was an accident in this area, Council President Umholtz requested that the Mayor personally follow-up in writing with CEI, after Mr. Catania contacts them, so it will be on record that the City is requesting a street light there for safety purposes.

On another matter, Mr. Baldwin referred to the upcoming marathon and the closing of Route 6; he advised that people will be coming and going from church on Sunday morning from 8:00 a.m. until 1:00 p.m. Police Chief Baumgart advised that the race will start at 8:00 a.m.; he noted that westbound traffic will be cut off, and at certain times all traffic will be cut off because runners will be crossing the road. Noting that the race will head westbound on Route 6, Chief Baumgart stated that the area of Route 6 near the church should be clear by 8:30 a.m.

Council President Umholtz noted that Lake Health had planned this event and sent out the information prior to notifying the City; therefore the City was not able to address some of the convenience issues. Fire Chief Hutton noted that informational message boards will be displayed, beginning on Thursday, indicating the times that traffic will be affected.

OLD BUSINESS:

ORDINANCE NO. 13-O-24
(Mayor Tyler)

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**(Second Reading) - AN ORDINANCE AMENDING
ORDINANCE NO. 13-O-10 RELATING TO THE
APPROPRIATION FOR THE YEAR 2013.**

Read by title only and placed on Second Reading.

NEW BUSINESS:

None.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Skrbis stated that he appreciates the residents coming to the meeting and sharing their concerns, noting that Council members have many of the same concerns.

Councilman Webbe encouraged the residents to be alert and to not hesitate to call the Police Department right away if they are uncomfortable with a situation.

PUBLIC COMMENTS:

None.

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 7:47 p.m.

President of Council

Clerk of Council