

KIRTLAND CITY COUNCIL MINUTES

September 3, 2014

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Pro Tempore Timothy Powell. Mr. Skrbis led the prayer which followed the Pledge of Allegiance. The members of Council present were: William Catania, Douglas Davidson, David Kirek, Timothy Powell and Robert Skrbis. Absent: Matthew Schulz and R. Robert Umholtz.

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.

MINUTES OF THE AUGUST 18, 2014 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Catania. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: KIREK, POWELL, SKRBIS, CATANIA AND DAVIDSON. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report has been distributed.

Police Chief Wayne Baumgart advised that the monthly report for August has been distributed.

Service Administrator Carm Catania advised that, weather permitting, some grinding will be done on Eagle Road at the intersection of Kirtland-Chardon Road on Monday.

Councilman Davidson commended the Service Department for their follow-up in replacing a resident's fence that was removed some time ago for work done on Route 306; he noted that it was appreciated by the residents.

Councilman Davidson requested that the Service Department investigate a situation for residents of 8788 Quail Circle, noting that a neighbor had some drainage work done and there is now a drain tile above the area that the water flows. Mr. Catania stated that he will look into this.

Councilman Skrbis stated that he has been informed that Kirtland Lakes Estates no longer officially has a homeowners' association. Noting that there is an island at the entrance, Mr. Skrbis stated that he received an inquiry regarding who is responsible for maintenance of that island. Noting that the responsibility would have belonged to the now defunct homeowners' association, Mr. Skrbis inquired about having the island removed. Mr. Catania stated that if the property owners are in agreement, he would be happy to remove the island, as it would be easier to plow. He noted that the sign for the development would need to be relocated. Mr. Catania stated that he will discuss this with the Mayor and the City Engineer, noting that they will be discussing a similar situation involving another cul-de-sac.

City Engineer Philip Kiefer advised that his monthly report has been distributed, noting that one of the items on the report is a request for the City to accept Gaitside Trail (Phase IV, Rocking Horse Farms Subdivision) for maintenance. He stated that it is acceptable for maintenance, and that Council should see legislation for that purpose on the next meeting agenda. Noting that the question was raised by a property owner who will soon be building a home, Councilman Davidson thanked Mr. Kiefer for the prompt follow-up.

DEPARTMENT REPORTS (continued):

Noting that there was discussion at a previous meeting regarding an easement or right-of-way on Raccoon Hill, Councilman Davidson requested that the City Engineer clarify the City's intention with that property. Mr. Kiefer stated that the best he can determine is that the piece of property at the point of the west end of Raccoon Hill Drive is part of the right-of-way; therefore the City does not hold title to the property, per se, but the City could vacate the right-of-way or portions of it, in which case the land would revert to the neighboring property owners.

Referring to the City Engineer's report, Councilman Powell inquired about the Ohio EPA Storm Water Phase II Permit. Mr. Kiefer advised that Phase II permits began in 2003 and a plan was developed for the City to handle storm water, and more specifically, the pollution in storm water. Mr. Kiefer advised that the permit is renewed every five years, and it should be coming up soon for renewal. He noted that there will be stricter requirements for discharges from storm sewers and road ditches into the streams.

Mr. Powell inquired whether permits are required for the City to perform normal ditching. Mr. Kiefer advised that a permit is not required for maintenance of ditches, but a permit from the Army Corps of Engineers is required if it is a stream; he noted that this does not pertain to the Ohio EPA Phase II Permit. Mr. Kiefer stated that the City's ordinance defines a stream as having a defined bed and bank; he noted that Lake County Soil & Water Conservation District has the final determination regarding whether it is a ditch or a stream.

Responding to Mr. Powell, Mr. Kiefer stated that there are a handful of drainage easements that were given to the City, but that most drainage easements belong to the homeowners' associations and it is up to them to maintain them.

Noting that he received a call from Mrs. Fowler of Palomino Trail, Councilman Skrbis requested an update regarding a situation on Mr. Excavator's property. Mr. Kiefer advised that he and Mr. Catania visited the property today, and a cease and desist order was issued for them to stop bringing in fill material until such time that a permit is obtained. Mr. Skrbis stated that Mrs. Fowler also has concerns because the continued infractions have changed her drainage and she has lost trees. Mr. Kiefer stated that the work being done by Mr. Excavator is not draining onto Mrs. Fowler's property; it exits further east from her property. Mr. Kiefer stated that he believes she is getting more water because there have been heavier rainfalls lately.

Councilman Skrbis stated that he received a call from a Crary Road resident inquiring whether the City has an ordinance determining the length of time that trash containers can be out before and after pick-up; the resident stated that other cities have such ordinances. Mr. Skrbis stated that he will contact the Planning and Zoning Commission Chairman to request that they look into this, possibly as part of the exterior maintenance code. Service Administrator Catania stated that he will look at other ordinances in this regard.

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 working on the campaign for the road levy is the number one priority for the administration.

Mayor Tyler advised that, unfortunately, his assistant Susan will be moving on because her husband sold his practice just recently and they will be travelling. He noted that he will keep Council apprised in this regard.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Noting that there was previous discussion with regard to the possibility of having the planner with CT Consultants handle some economic development duties, Councilman Davidson inquired whether that has been initiated. Mayor Tyler stated that he and Planning and Zoning Commission Chairman Eilerman have been discussing a project for the very near future.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

Council President Pro Tempore Powell reported on the following:

1. Zoning Permit Request: **Robert and Laurel Weinberg** were present to request Council approval for the issuance of a zoning permit for Sublot 69 in Rocking Horse Farms Subdivision Phase IV. City Engineer Kiefer advised that the subdivision is complete, and that Council will be receiving legislation at the next meeting to accept the street for maintenance. Mr. Kiefer recommended that Council authorize the issuance of a zoning permit for a new residence. Mr. Davidson moved to grant the approval, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: KIREK, POWELL, SKRBIS, CATANIA AND DAVIDSON. VOTING NAY: NONE).**

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Hank Schenk, 8955 Red Tail Lane, stated that he came to the meeting to volunteer for the road levy campaign, and he has a couple of questions. He inquired who will be doing the work and to what extent; he inquired whether the City will be doing all of the work or if there will be a mixture of work done by the City and work done by a contractor. Service Administrator Catania advised that most of the work will be done by the City forces, depending upon the circumstances. Mr. Catania noted that if a road needs to be ground down, a contractor will most likely be hired for that purpose. Mr. Catania stated that the City's road crew is very capable with regard to resurfacing the roads.

Mr. Schenk inquired whether a study has been done to determine the cost savings of the City doing the work as opposed to hiring a contractor. Mr. Catania advised that the City will save 30 to 40 percent on labor and equipment if the City does the work. Mayor Tyler thanked Mr. Schenk for coming to the meeting tonight; he noted that many questions of this type will be answered at the training session next week. The Mayor noted that Mr. Schenk can also meet with him and Mr. Catania for further discussion. Mr. Powell noted that as the levy campaign goes forward, there will be more involvement in the details.

Kevin Potter, 7851 Russellhurst Drive, noted that he is here to support the road levy; he questioned whether there is a risk of the roads needing repair again within a few years if the City does the work as opposed to having the work done by a contractor. Service Administrator Catania stated that he has complete confidence that the quality of the work that is done by the Road Department is the same, if not better, than what would be done by a contractor. Mr. Catania noted that the Road Department is not looking to make a profit but to do the work properly so it does not have to be redone. Mr. Potter stated that the campaign fell short in the past because these types of questions were not addressed; he noted that information needs to get out to the public. Mr. Catania noted that the City saves another 10 to 15 percent when the City does the work because engineering work is not necessary and the City does not have to go through the bidding process. Mr. Catania stated that a lot of these details will be addressed in the next levy campaign meeting. Mayor Tyler noted that the City is running a much more aggressive and informative campaign this time; he thanked Mr. Potter and Mr. Schenk for their participation.

OLD BUSINESS:

None.

NEW BUSINESS:

ORDINANCE NO. 14-O-51
(Mayor Tyler)

- **AN ORDINANCE AMENDING ORDINANCE NO. 14-O-9 RELATING TO THE APPROPRIATION FOR THE YEAR 2014.**

Read by title only. Finance Director Martinet advised that this legislation will receive three readings, noting that it is for the technology upgrade that was part of the budgeting process. Referring to the capital outlay under the General Fund, Mr. Martinet stated that the funds now need to be appropriated, based upon the bond anticipation notes issued earlier this year. The legislation was placed on First Reading.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Powell stated that he will pledge his next month's Council salary for the levy campaign funding, and he encouraged the other Council members to do the same.

Councilman Davidson stated that the City is fortunate to have another strong football team, with good game attendance. He noted that during the budget meetings, Councilman Schulz had inquired about a crosswalk study, and Council was assured there would be some efforts in that direction. Mr. Davidson stated that he still has concerns, and he inquired if, in the interim, one or both officers could move to the road after the security duties inside the field conclude, where the fans will be crossing Route 306.

Responding to an inquiry from Councilman Skrbis, Police Chief Baumgart stated that the City, not the school, is responsible for crossing guards. Chief Baumgart stated that if there is a crosswalk and children of a certain age are crossing, the City provides the crossing guard. Chief Baumgart noted that the City provided a crossing guard in the past, but patterns have changed and no children are crossing there now, so there currently is not a school crossing guard. Chief Baumgart stated that a crossing guard has never been used for football games, noting that it is mandated only during school hours.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

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

President of Council

Clerk of Council