

## KIRTLAND CITY COUNCIL MINUTES

June 15, 2015

The meeting of Kirtland City Council was called to order at 7:03 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. R. Robert Umholtz arrived shortly after the meeting commenced. 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 Sergeant Jamey Fisher and Fire Captain Frank Ponzani.

### PUBLIC HEARING – TAX BUDGET FOR FISCAL YEAR 2016:

Council President Pro Tempore Powell opened the public hearing in this regard. Finance Director Keith Martinet advised that, pursuant to State law, the City of Kirtland is required to hold a public hearing regarding the 2016 tax budget that is submitted to the County. Mr. Martinet stated that the purpose of the tax budget is to demonstrate to the County Auditor the City's need for the funds that have been voted on by the citizens. Mr. Martinet noted that a copy of the budget has been available for review in the Finance Department; he noted further that the public hearing has been duly advertised as required.

There were no questions or comments from the public, and Council President Pro Tempore Powell closed the public hearing.

### MINUTES OF THE JUNE 1, 2015 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, as presented, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 4/0/1 (VOTING YEA: CATANIA, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

### DEPARTMENT REPORTS:

**Fire Captain Frank Ponzani** advised that the Lake Health half marathon held at Lake Farmpark a couple weeks ago went smoothly, noting that there were no transports.

**Police Sergeant Jamey Fisher** advised that the formal report was delivered to Council members' mailboxes last week. Sergeant Fisher advised that Brian Kost will be sworn in at tonight's meeting as a new part-time police officer. Sergeant Fisher introduced Brian Kost and asked him to come forward. Mayor Tyler administered the oath, and Officer Kost received the applause and congratulations of all those present.

**Service Administrator Carm Catania** advised that work was delayed today on Sperry Road; the contractor that was supposed to tar and chip cancelled due to the weather. He noted that this should be done in the next couple weeks, noting that resurfacing will take five or six days after the tar and chip is done.

**DEPARTMENT REPORTS (continued):**

Mr. Catania stated that undercutting was started on Lakebrook Drive last week; he noted that he and the City Engineer are working on a solution for the road. Mr. Catania advised that the road will take additional work and time due to its condition. Responding to Councilman Davidson, Mr. Catania stated that extensive work will not be done in the entire development; he noted that there is a 1500 ft. section that will need to be removed, and there are some isolated spots that will also require more extensive work. He stated that the work will take approximately two weeks longer than anticipated. Mr. Catania stated that as a result, the resurfacing work in the City will not be finished until late October rather than early October.

Responding to Councilman Davidson regarding the City's acceptance of the road, Service Administrator Catania advised that at that time there was no specification for stone under the asphalt, and it was paved on top of the soil. He stated that there are no underdrains, but that will be corrected. Mr. Catania stated that the City Engineer had the specifications changed many years ago to require stone under the asphalt and drainage.

Councilman Skrbis mentioned that he received a call from Tony Constantino of Woodlake Drive, expressing his concerns with regard to his street. Mr. Skrbis stated that he received an e-mail from Ed and Eva Janecek and spoke with Penny Smith and Jerrie Rispoli; they are concerned and are questioning whether the entire development will be resurfaced. Mayor Tyler advised that the Administration has been in contact with many of these residents. The Mayor advised that he will be meeting with the reporter from the Kirtland Chronicle after the Council meeting in this regard.

Responding to Councilman Skrbis regarding Linda Blasko's inquiry about compensation for installing her own culvert on Sperry Road, Service Administrator Catania stated that he will talk to the Mayor with regard to a response to Mrs. Blasko.

Councilman Skrbis stated that he spoke with Planning and Zoning Chairman Eilerman today with regard to the dog park at Lake Farmpark, noting that it is an irritant to the adjoining neighbor. With regard to the noise from barking dogs, Mr. Skrbis inquired whether the dog park or the dog owner is responsible. Sgt. Fisher advised that Kirtland's ordinance states that the dog owner is held responsible and that a minor misdemeanor citation can be issued to the owner for violations of habitual barking. Councilman Skrbis stated that communication needs to be opened up with Lake Farmpark in this regard, noting that this issue needs to be addressed. It was requested that the Law Director contact the Lake Farmpark Board in this regard.

With regard to an unoccupied house on Lakebrook Drive, Councilman Davidson stated his appreciation to Mr. Catania for following up on the exterior maintenance issue. Mr. Catania advised that the previous property owner forwarded the City's letter to the current responsible party, and the issue has been addressed.

**City Engineer Philip Kiefer** advised that his monthly report for May has been distributed.

**Finance Director Keith Martinet** stated that the bond anticipation notes will be marketed tomorrow and will be funded at the end of June. Mr. Martinet noted that the HVAC repairs and roof repairs at City Hall will be able to move forward since money was borrowed for that purpose. Mr. Martinet stated that the interest rates will be similar to last year - one percent for one year.

Mr. Martinet advised that he will not be available for the two July Council meetings. He noted that following the Council recess, further discussion is needed on the 2016 budget with regard to funding options.

**DEPARTMENT REPORTS (continued):**

**Law Director Daniel Richards** did not present a formal report and no questions were asked of him. With regard to legislation on tonight's agenda relating to the Law Director, Mr. Richards advised that he will abstain from any comment unless requested by Council.

Council President Umholtz requested that the Law Director write a letter to Lake Farmpark with regard to the concerns about the dog park.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Tyler stated his congratulations to the City's new part-time police officer, Officer Kost.

The Mayor briefly addressed the legislation for the Law Director, Resolution No. 15-R-44. Mayor Tyler stated that it is a two-year contract with the same increase that was given to the other employees of the City. Mayor Tyler noted that there are no other changes from the last contract, and he requested Council's consideration of the Resolution.

As an update on grant opportunities, Mayor Tyler advised that two projects have been submitted for OPWC funding - (1) for Eagle Road, west of Route 306; and (2) the State Route 306 slope stabilization project - he noted that the deputy chief engineer for Lake County recommended that the City try again to obtain funding for this project. Mayor Tyler advised that a third project is a joint submission with Willoughby Hills for Worrell Road.

With regard to road paving, Mayor Tyler stated that he and Mr. Catania drove through Kirtland Lakes several times; he stated that there were some issues in the original installation and noted that going forward there should be a lot more durability of the road.

Mayor Tyler stated that he is working to get legislation to Council for the roof and HVAC repairs for City Hall and Fire Station 1.

The Mayor advised that he received correspondence from Waste Management noting that there will be a change in one of the routes; he noted that for Kirtland Chardon Road and the connecting roads, the current Tuesday pick-up will be changed to Monday pick-up, effective in early July.

Mayor Tyler advised that he received a notice from the Holden Arboretum regarding closure of Sperry Road, from Kirtland-Chardon Road to Booth Road, for installation of the deer fence; the north half will be closed for the next two weeks, and the south half will be closed the first two weeks in July.

Mayor Tyler advised that Cleveland Magazine rated Kirtland as the 12th safest city; he noted that Kirtland has been in the top twelve for the past eight years. The Mayor noted that "Niche" rated Kirtland as the No. 5 safest city and as the No. 5 Cleveland suburb in which to raise a family.

Councilman Powell stated that he wants to make sure that both the Police Department and the Fire Department are well aware of the times and dates of the closing of Sperry Road.

Noting that a few months ago the Council President requested that the Mayor contact Dave Hart of CT Consultants with regard to the Route 6 and Route 306 area, Councilman Powell inquired about the status. Mayor Tyler stated that he met with Mr. Hart, and he is working with the City to research this. The Mayor noted that he hopes to have something after summer recess. Council President Umholtz noted that he has heard that a buyer will soon be closing a deal on the property and moving forward with a project, and he requested that the Mayor ask Mr. Hart to respond to the request for a recommendation.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

With regard to the grant application for funds for the proposed recreation park, Councilman Powell inquired about the plan that was submitted, since a plan has not yet been designed. Councilman Skrbis noted that funds were collected from the baseball league and from the Kirtland Kiwanis in order to begin the design process; he inquired about the status of the environmental study. Mayor Tyler advised that the City applied for the grant, requested an environmental study, and Council was soliciting donations for a conceptual design, which should wait until the results of the environmental study are available. Councilman Skrbis inquired about a time frame for the environmental study; Mayor Tyler advised that the study should be complete in approximately one month.

Responding to Councilman Powell, Mr. Kiefer stated that the grant money would be for a soccer field near Route 6, restrooms and a parking area; he noted that it is loosely based on the plan prepared by Craig Cawrse several years ago. Mr. Kiefer noted that the funds would not be available until 2016. Mr. Powell stated concern about piecing the park together without a plan in place. Discussion ensued in this regard. Mr. Kiefer noted that the City can request a modification to the grant with regard to the location of the soccer field, if necessary.

Councilman Powell noted that at the last meeting he had mentioned e-mail correspondence that he received from Mr. Gabriel. Mayor Tyler noted that he received a copy of that correspondence and Service Administrator Catania contacted Mr. Gabriel.

Responding to Councilman Powell, Mayor Tyler confirmed that he has contacted the resident on Ledgewood Drive as requested by Mr. Powell.

**STANDING COMMITTEE REPORTS:**

Council President Umholtz noted that the Planning and Zoning Standing Committee will meet tonight following the regular Council meeting.

**CORRESPONDENCE:**

None.

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

**George Gore, 11123 Woodlake Drive,** stated his concerns about the condition of Lakebrook Drive and Woodlake Drive, noting that these streets need to be dealt with as soon as possible. He stated that the residents petitioned Council and Councilman Skrbis four years ago, with signatures from everybody on Lakebrook and Woodlake, to get something done with these roads, and nothing has been done. Mr. Gore stated that on behalf of the residents of Lakebrook Drive and Woodlake Drive, he strongly urges Council and the City to attack these two streets as quickly as possible. Service Administrator Catania stated that for clarification, Woodlake Drive will be repaired, but it will not be resurfaced this year; Lakebrook Drive will be repaired and resurfaced.

Council President Umholtz noted that Councilman Skrbis has brought to Council's attention the condition of the roads in Kirtland Lakes. Mr. Umholtz stated that hopefully within the next couple weeks the City will be able to provide information to the residents regarding the status of the paving program. Councilman Skrbis thanked Mr. Gore for presenting his concerns, noting that Kirtland Lakes is the first area that is being addressed with the road levy approved by the voters.

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

**Edward Janecek, 11201 Woodlake Drive,** stated that the City is doing a thorough job on Lakebrook, but all of the heavy construction traffic is taking a toll on Woodlake, noting that there are many sections on Woodlake that are in very bad shape. He noted that cars weaving around the potholes and driving on the wrong side of the street because of the potholes on Woodlake are creating a hazard. Council President Umholtz stated that Service Administrator Catania and the Service Department have done everything that they could with the limited funding that has been available the past few years. Mr. Umholtz noted that now that funding is available, he is sure that Mr. Catania will take care of these problems as soon as possible.

**Mike Young, 9020 Euclid Chardon Road,** stated that he and his wife and children live on the property adjacent to the dog park. He stated that a year ago he received a notice that the dog park would be developed; and at that time it was to be located within ten feet of his yard. Mr. Young stated that he was unsuccessful in getting the Farmpark to move the dog park further back on the property. He noted that the President of the Board had the dog park moved further away from his yard and trees were planted. Mr. Young stated that the dog park is open until one-half hour past dark, and there are people there with dogs as early as 6:30 in the morning until 9:30 at night. He stated that every weekday from 5:00 p.m. until 7:00 p.m. the parking lot is full; and on weekends from 9:00 a.m. until 9:00 p.m. there are approximately 24 cars there bringing two or three dogs at a time, and there is a lot of noise from dogs barking and fighting. Mr. Young stated that he is not able to enjoy his yard because of the noise. He noted that the dog park in Mentor is located between their service garage and the railroad tracks; Eastlake's dog park is in the area of the power lines. Mr. Young noted that with all of the acreage available at the Farmpark it does not make sense for the dog park to be located next to his yard. Mr. Young stated that he would appreciate any help that the City can give him.

Council President Umholtz advised that Mr. Richards will be contacting Lake Farmpark. He noted that to the best of his knowledge, the Farmpark never consulted with the City regarding the location of the dog park.

**Nancy Campbell** questioned why the Metroparks did not need a permit from Planning and Zoning for the dog park. She stated that her son-in-law (Mike Young) received a letter on the Friday before Memorial Day weekend informing him that work on the park would begin on Monday morning. Mrs. Campbell also noted that people often drive past the dog park and pull into her son-in-law's driveway to turn around, creating a traffic hazard by backing out of the driveway onto Route 6. She inquired if signs could be put in place to keep people from turning around in his driveway. Mayor Tyler stated that he and the Service Administrator will discuss the appropriate signage from a safety perspective.

Noting that there were no points mentioned concerning what Mr. Richards will address with Lake Farmpark, Mrs. Campbell stated that she would appreciate if Mr. Richards would contact her and Mr. Young regarding the specific points, noting that they may have something to add. Mr. Richards requested that she provide her contact information to the Clerk of Council, including her e-mail address.

Mr. Umholtz noted that if Lake Farmpark is not receptive, the Police Department could start citing people under the nuisance ordinances for barking dogs.

Noting that the dog park is open from sunrise until one-half hour after sunset, Mrs. Campbell stated that her daughter and son-in-law are listening to barking dogs 14 hours per day. She inquired whether anything can be done with regard to the hours of operation. It was noted that Lake Farmpark is open from 9:00 a.m. until 5:00 p.m. Noting that the dogs are supposed to be licensed, Mr. Young stated that there is no one at the dog park to check that the dogs are in fact licensed and up-to-date on shots.

**OLD BUSINESS:**

**ORDINANCE NO. 15-O-24** - (Third Reading) - **AN ORDINANCE AMENDING  
(Mayor Tyler) ORDINANCE NO. 15-O-7 RELATING TO THE  
APPROPRIATION FOR THE YEAR 2015.**

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

**NEW BUSINESS:**

**RESOLUTION NO. 15-R-43** - **A RESOLUTION ADOPTING A TAX BUDGET FOR  
(Mayor Tyler) FISCAL YEAR 2016.**

Read by title only and placed on First Reading.

**RESOLUTION NO. 15-R-44** - **A RESOLUTION ESTABLISHING A WAGE AND FEE  
(Mayor Tyler) ARRANGEMENT WITH DANIEL F. RICHARDS AS LAW  
DIRECTOR OF THE CITY OF KIRTLAND, AND  
DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Catania. Councilman Davidson commended Mr. Richards for his expertise and professionalism, noting that he has made arguments in front of the Supreme Court. Mr. Davidson stated that he appreciates Mr. Richards' work. Council President Umholtz stated that he believes all of Council shares that sentiment. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SKRBIS, UMHOLTZ, CATANIA, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).** Mr. Richards stated that he has enjoyed working with the City of Kirtland, both the Administration and the City Council. He commended the City Council for their representation of the citizens of Kirtland, noting that Council tries in every way possible to address the issues of the citizens. Mr. Richards thanked the Administration and City Council, and he stated his appreciation of the confidence they have shown in his representation.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

None.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Kirek moved to adjourn, with the second by Mr. Catania. The motion of Council passed by unanimous vote and the meeting adjourned at 8:06 p.m.

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President of Council

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Clerk of Council