

## KIRTLAND CITY COUNCIL MINUTES

July 13, 2015

The meeting of Kirtland City Council was called to order at 7:09 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: Douglas Davidson, David Kirek, Timothy Powell, Robert Skrbis and R. Robert Umholtz. Absent: William Catania and Matthew Schulz.

Administrative personnel present were: Law Director Daniel Richards, City Engineer Philip Kiefer, Service Administrator Carm Catania and Police Chief Wayne Baumgart. Fire Captain Dale Grinstead was present in the absence of Fire Chief Anthony Hutton.

### MINUTES OF THE JULY 6, 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: UMHOLTZ, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

### DEPARTMENT REPORTS:

Fire Captain Dale Grinstead did not present a formal report and no questions were asked of him.

Police Chief Wayne Baumgart gave no formal report and no questions were asked of him.

Service Administrator Carm Catania did not present a formal report. Councilman Davidson noted that a piece of legislation was passed by the State House for Lance Corporal Daniel Zegarac for a memorial highway sign; he inquired about the status of the sign. Mr. Catania stated that he received the signs late last week and the posts are installed; he noted that the signs will be installed later this week and covered until the ceremony is held.

Councilman Powell requested an update on the status of the road repairs. Mr. Catania noted that all of the rain has been a challenge. With regard to Kirtland Lakes, Mr. Catania stated that he needs 10 days of dry weather to get the base dry and put in the stone. He stated that grid material has been purchased, and at the suggestion of the City Engineer, under-grids have been installed to drain the road base. Mr. Catania stated that repairs will begin in other areas once Kirtland Lakes has been completed.

Mr. Powell inquired about the roads that will be addressed. Mr. Catania stated that he would like to finish Eagle Road from Deerfield to Route 306; and address Rockwood, Ledgewood, Beechwood and Killdeer. He noted that repairs will be done on the roads as needed, but those that will not make it through the winter will be addressed first. Mr. Catania stated that in the meantime, repairs will be done on Prelog and on roads that need repair but not necessarily resurfacing right away. Responding to Mr. Powell regarding a culvert on Beechwood, Mr. Catania stated that it will be replaced and lowered. Mr. Catania stated that the ditch can be cleaned only to where the wetlands begin.

City Engineer Philip Kiefer did not present a formal report. Mr. Kiefer provided an update on Alpenrose Subdivision, noting that as of today, it has been completed and the final paperwork has been submitted. Mr. Kiefer noted that he has recommended to the Mayor that legislation be placed on the agenda for the next regular Council meeting to accept the roads for maintenance.

**DEPARTMENT REPORTS (continued):**

Councilman Skrbis inquired whether there is any update on the environmental study. Mr. Kiefer stated that he contacted HZW, and they delivered it to the Mayor's office late last week.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

None.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

Council President Umholtz reported on the following:

1. Zoning Permit Request: **Andrew Loncar, Loncar Quality Construction** was present on behalf of **Joseph and Monica Loncar** to request Council approval for the issuance of a zoning permit for Sublot 8 in Alpenrose Subdivision. City Engineer Philip Kiefer advised that the subdivision is complete and he recommended that Council authorize the issuance of a zoning permit for a new residence. Mr. Kiefer also noted that he is expecting plans to be submitted for Sublot 5 in Lazio's Ridge Subdivision while Council is on recess. Mr. Skrbis moved to grant approval for the issuance of a zoning permit for Sublot 8 in Alpenrose Subdivision. Mr. Davidson provided the second. The motion passed by unanimous vote of Council.
2. As done traditionally during Council's recess, Council President Umholtz stated that he would entertain a motion to grant authorization to City Engineer Philip Kiefer to approve applications for zoning permits during Council's summer recess for new residences in subdivisions not yet approved for maintenance. Mr. Davidson so moved, and Mr. Skrbis provided the second. The motion passed by unanimous vote of Council.

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

**Gary Smith, 11222 Woodlake Drive**, inquired about the plans for Woodlake Drive. Service Administrator Catania advised that once Lakebrook is done, he and the City Engineer will re-evaluate Woodlake for damage from the asphalt trucks. Mr. Catania noted that, at the very least, there will be substantial repairs. Mr. Smith inquired if the work in Kirtland Lakes is taking the entire road repair budget. Mr. Catania advised that extra money has been spent on the grid material that goes under the base, but it has not depleted the budget.

**Frank Ford, 9910 West Alpine Drive**, stated that he is here on behalf of 11 families, noting that he provided a letter to Council and the Mayor with regard to a house at 9876 West Alpine; it is an abandoned house and nobody has lived there for years. He noted that the woman who owned the house and her son have both died, and the house has been foreclosed upon by Sun West Mortgage Company; they bought it at Sheriff's sale in April and the Court issued a confirmation of sale in June, and the deed will probably take a number of weeks to transfer. Mr. Ford stated that there are exterior violations, but of greater concern are the problems on the inside of the house. He noted that there is significant water damage and mold; an

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

appraiser who spoke to one of the neighbors said there was evidence of an animal living inside the house. Mr. Ford stated that the residents are specifically requesting that the City conduct an interior inspection, noting the concern that if somebody buys this house they will get in "over their head" or they may not intend to bring it up to code. Mr. Ford stated if the conditions are a matter of public record, a new owner will have to bring it up to the proper conditions. Mr. Ford stated that a lot of people on the street are concerned about this house. Council President Umholtz thanked Mr. Ford for bringing this to Council's attention, noting that Council reviewed his letter.

Mr. Richards stated that the City will follow the general procedures for properties that are dilapidated, vacant or abandoned; he noted that the first step will be to attempt to reach the current property owner (the mortgage company) for a written consent to a thorough inspection inside and out, which would include structural, asbestos, lead, etc. Mr. Richards stated that if the property owner does not consent, the next step would be to go through the process of securing a search warrant from the court for a property search. Mr. Richards stated that the process takes a while, noting that a report of inspection would be generated.

Mr. Ford inquired about a contact person for follow-up. Mr. Davidson noted that the City has worked with Lake County Land Reutilization in the past with regard to homes that were in violation of exterior home maintenance, and the City was able to get those remediated. It was noted that the property is in Ward 2, and that he can contact Councilman Kirek or Service Administrator Catania.

**Jane Carle, Director of the Kirtland Public Library**, stated that she wanted to make Council aware that the Library will have a levy on the ballot in November; she noted that it is a 1 mill continuous renewal levy that will raise approximately \$318,000 per year.

**Joe Smolic, 7295 Ledgewood Drive**, inquired about the problem with improper fill on Lakebrook Drive. Service Administrator Catania advised that when that road was constructed, there was no requirement for the stone base under the asphalt. Mr. Kiefer stated that the current standard is 6 inches of stone and 8 inches of asphalt, unless a concrete road is installed. Mr. Smolic inquired about the drains. Mr. Kiefer advised that currently drains and storm sewers are used. Mr. Kiefer stated that the City will follow those same standards.

**Mike Young, 9020 Euclid-Chardon Road**, inquired whether Mr. Richards has received any correspondence from Lake Metroparks. Mr. Richards stated that their attorney has advised that the Commissioners' position regarding the complaint will be provided by the end of this week. Mr. Umholtz advised that this issue was discussed in Council's work session and hopefully something can be done to help him, but that it will take some time.

Councilman Davidson inquired about Council support for the Library's levy. Council President Umholtz requested that prior to the next meeting Ms. Carle provide some details with regard to the levy, noting that the next Council meeting is August 24. Mr. Umholtz noted that it would be best to have a full Council present.

**OLD BUSINESS:**

**RESOLUTION NO. 15-R-43**  
**(Mayor Tyler)**

- **(Third Reading) - A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2016.**

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

**NEW BUSINESS:**

**RESOLUTION NO. 15-R-45**  
**(Mayor Tyler)**

- **A RESOLUTION AUTHORIZING THE MAYOR TO PROCEED WITH THE PURCHASE AND INSTALLATION OF HVAC EQUIPMENT CONSISTING OF TWENTY-FOUR (24) VAV BOX RETROFIT CONTROLS AND ONE (1) TRACER SC PANEL FOR CITY HALL, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Davidson. Before proceeding any further, Council President Umholtz inquired if Mr. Denk has a presentation for Council in this regard. Mike Denk of Denk Associates advised that the legislation is for the purchase of original equipment. He advised that the two air handlers have hot water coolers and dual circuited air conditioning coils, which are served by two condensing units. Mr. Denk stated that the building has a very nice system; there are 24 individual zones and 24 thermostats. He stated that equipment will be replaced to restore the system as best as possible. Mr. Denk stated that Council recently approved an agreement with The Cooperative Purchasing Network, noting that there is pre-bid equipment offered, similar to purchasing through the state contract. Mr. Denk stated that the Trane equipment was matched exactly by the Trane Company to replace that equipment in kind with the 2015 version, which eliminates the air compressor, updates the controls, gives much better control and goes to each of the zone boxes, removing the pneumatics and installing electronics. Mr. Denk stated that for all of the equipment and installation, the City worked with Gardiner-Trane on the specification and replacement equipment. He noted that Geauga Mechanical is a very reputable partner of Trane, and his experience has found them to be responsive and easy to work with; he noted that their cost to replace the equipment and work on the retrofit has been included.

Mr. Denk noted that there is a six to eight week lead time to get the air handlers replaced. He stated that the refrigerant in the condensing units is no longer used, and the new non-CFC refrigerant will be used. He noted that the condensing units are 23 years old, which is the approximate life cycle of the unit; he stated that the dampers have frozen up and ceased working. Mr. Denk stated that the current control system is difficult and expensive to maintain; the new controls are from the Trane Company and do a very good job of controlling the equipment that they make. Mr. Denk stated that this is an opportunity to replace equipment in kind with leading industry equipment by a reputable contractor. Mr. Denk stated that his recommendation is to proceed with the project.

A question arose regarding funding of the project and whether this expense was included in the budget. Following discussion, Mr. Kirek withdrew his motion to waive the three readings, and Mr. Davidson withdrew his second of the motion. The legislation was placed on First Reading. It was agreed that a special meeting will be scheduled in this regard as soon as possible.

**RESOLUTION NO. 15-R-46**  
**(Mayor Tyler)**

- **A RESOLUTION AUTHORIZING THE MAYOR TO PROCEED WITH THE PURCHASE AND INSTALLATION OF HVAC EQUIPMENT CONSISTING OF TWO (2) AIR HANDLERS AND FOUR (4) AIR COOLED CONDENSING UNITS FOR CITY HALL, AND DECLARING AN EMERGENCY.**

Read by title only and placed on First Reading.

**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Powell noted that he was recently made aware by residents that the senior lunch served at the Community Center is being cancelled due to funding. Mr. Powell stated that he will follow up with Jenna Hull at the Community Center to determine if this is accurate.

**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 7:57 p.m.

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President of Council

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Clerk of Council