

KIRTLAND CITY COUNCIL MINUTES

October 5, 2015

The meeting of Kirtland City Council was called to order at 7:18 p.m. by Council President R. Robert Umholtz. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: William Catania, Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis and R. Robert Umholtz.

Administrative personnel present were: Mayor Mark A. Tyler, Law Director Daniel F. 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 SEPTEMBER 21, 2015 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. Mr. Schulz moved to adopt the Minutes, as presented, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, UMHOLTZ AND CATANIA. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart advised that the monthly report has been distributed. Chief Baumgart publicly thanked the Fire Department for their assistance today in trying to locate a suspect. Chief Baumgart advised that a letter was received from the Department of Rehabilitation and Correction stating that the City's jails are approved for the year.

Chief Baumgart advised that the City received a couple of letters from residents on Joseph Street regarding problems with speeders and drivers running the stop sign. Noting that Councilman Catania and Councilman Davidson also contacted him in this regard, the Chief advised that the Department is giving special attention to this area. Chief Baumgart noted that some Joseph Street residents have been stopped for running the stop sign.

With regard to the recent incidents involving dogs, Chief Baumgart stated that he has discussed this with the Mayor and they agreed that it would be best to have this matter referred to the Police and Fire Standing Committee. Noting that there were some difficulties experienced with these charges in the past, Chief Baumgart noted that the Ordinances should be reviewed.

Service Administrator Carm Catania did not present a formal report. Responding to Councilman Powell with regard to dilapidated homes, Mr. Catania stated that there has been no progress with the Health Department, but that he is still trying to get some assistance.

Councilman Powell noted that there is a large sinkhole at the berm on Route 6 across from Mr. Chamberlin's property as a result of work performed along the road by the gas or water company. Mr. Catania stated that he will look into this tomorrow.

Councilman Skrbis stated that he received some calls regarding the septic smell at the corner of Billings and Hillcrest. Mr. Catania stated that he will check into this, noting that there may be some help from the County with regard to illicit discharge.

DEPARTMENT REPORTS (continued):

Councilman Skrbis noted that he forwarded to Mr. Catania an e-mail from a resident regarding puddling on Kirtland Lakes. Mr. Skrbis stated that the City did a great job on the road and most of the residents are pleased. Mr. Catania stated that he hopes to get the final coat done next spring

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

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. Councilman Skrbis inquired whether there has been any progress or response with regard to the dog park. Mr. Richards advised that he has not received any response from the Commissioners or their attorney; he noted that he will follow up on this matter. Mr. Young was in the audience, and in response to an inquiry from Mr. Richards, he advised that he has not participated in any meetings with the Farmpark.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler advised that Police Chief Baumgart attended the FBI National Academy on September 21 through September 23.

The Mayor noted that the local Girl Scout troop visited City Hall last Tuesday; they were working to earn their government badge.

Mayor Tyler publicly thanked "Kirtland's Finest", noting that they extinguished a car fire on Route 306 last week; he commended Chief Hutton and Chief Baumgart for a great job by their departments.

The Mayor stated that the annual shred day was held on Saturday. He noted that this event has been held for seven years, and this year had the best participation.

Mayor Tyler advised that the City has been notified that \$18,600 will be refunded to the City due to overpayment on the road salt.

The Mayor advised that the flags are at half staff through Tuesday due to the recent tragedy in Oregon.

Council President Umholtz noted that flags are also at half staff today in observance of firefighters.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Joe Smolic, 7295 Ledgewood Drive, inquired about the status of discussions earlier this year relating to bringing new business into Kirtland. Mayor Tyler advised that he and Mr. Kiefer have had several meetings over the last few months with the consultant, Dave Hart, with another upcoming meeting scheduled. The Mayor advised that the consultant is completing his preliminary findings and a presentation to Council and the Planning and Zoning Commission is anticipated in the near future.

Brian Siers, 10960 Crestwood Drive, stated that two weeks ago his wife was walking their dog and it was viciously attacked by three pit bulls; his wife suffered injuries during the attack and their dog was killed. Mr. Siers stated that he is in attendance with many of his neighbors in support; they are concerned about their neighborhood. He noted that this is not the first time this has happened; another dog, a Golden Retriever, was previously attacked. Mr. Siers stated that he has lived in Kirtland for 30 years and he does not believe these dogs belong in Kirtland. Noting that there are children in the neighborhood, Mr. Siers stated that the residents should not have to be afraid to walk in their neighborhood. Mr. Siers noted that other cities have additional ordinances to deal with this type of issue, and he believes Kirtland needs to look into this and do something to prevent this from happening again. Mr. Siers stated that they have a petition signed by all the neighbors on the street, and that he contacted the Mayor, the Council President and the Police Chief.

John Brenenstuhl, 8140 Elmwood Drive, also addressed Council with regard to the dog attacks, noting that if his son had not intervened, the previous attack on the Golden Retriever would have also resulted in the death of the dog. He stated that the dogs need to be put down, noting that it is his understanding that one of the dogs is not allowed in Mentor. He noted that two of the dogs were brought in by the owner's daughter. Mr. Brenenstuhl stated concern with the manner in which the first case was handled. He noted that he does not feel safe walking in his neighborhood and he is concerned for the safety of others, especially children.

Council President Umholtz noted that Councilman Powell contacted him the day after this happened and brought it up at the next Council meeting. Mr. Umholtz stated that he spoke with Mr. Siers, and the Mayor and Chief Baumgart also spoke with him. Mr. Umholtz noted that he spoke with the Police Prosecutor today; he noted that there is a legal process regarding charges. Mr. Umholtz stated that it is his understanding that it was a minor misdemeanor, noting that the judge cannot order someone to pay veterinarian bills under a minor misdemeanor. He noted that because there were extensive vet bills with the Golden Retriever, it was the prosecutor's understanding that the parties wanted to resolve this with the agreement that the vet bills would be paid by the owners of the pit bulls.

Mr. Richards noted that there was a breed specific state law, which was repealed in 2012 by the State of Ohio. In light of the State law, Mr. Umholtz stated that the City is looking into what can be done; he noted that Chief Baumgart is looking at other cities' ordinances. He noted that certain breeds cannot be banned from a city, but there are restrictions that Kirtland might be able to enact by an ordinance. Mr. Umholtz stated that the Police Chief has suggested that he, the Police Prosecutor, and the Law Director meet with the Council Police and Fire Standing Committee to review some of these ordinances to determine which ordinances should be enacted.

Mr. Brenenstuhl stated that he believes there should have been some notice given to the neighbors after the first dog attack. Mr. Umholtz noted that this a good suggestion that can be discussed by the Police and Fire Standing Committee. It was agreed that the Police and Fire Standing Committee will meet next Monday, October 12, 2015 at 7:00 p.m. in the conference room (it was noted that the Planning and Zoning Commission meets the same evening). Mr. Umholtz noted that the Standing Committee meeting is open to the public; he suggested that the neighborhood send two or three representatives due to the limited seating in the conference room.

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

Christina Wieland, 7407 Kingston Court, Mentor, Ohio, stated that she is the owner of the dogs and that she has had remorse, guilt, anger and fear over what has happened. She stated that she has spent a lot of money on trainers. Mr. Umholtz stated that her case is pending. Mr. Richards noted that charges have been brought, notifications regarding dangerous dogs are being issued, and there is a procedure that has to be followed as mandated by the code. Mr. Richards noted that discussion of a case that is currently being prosecuted is not appropriate.

Ms. Wieland stated that she wanted it to be known that her dogs were euthanized at 4:30 today.

OLD BUSINESS:

ORDINANCE NO. 15-O-51 - (Third Reading) - AN ORDINANCE AMENDING
(Mayor Tyler) ORDINANCE NO. 15-O-24 RELATING TO THE
APPROPRIATION FOR THE YEAR 2015.

Read by title only. Mr. Schulz moved to adopt, with the second by Mr. Kirek. ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND CATANIA. VOTING NAY: NONE).

RESOLUTION NO. 15-R-52 - (Third Reading) - A RESOLUTION TO AUTHORIZE AND
(Mayor Tyler) APPROVE TRANSFER OF FUNDS FROM THE GENERAL
FUND #100; CAPITAL PROJECT FUND #300; CAPITAL
PROJECT FUND #306; SAID FUNDS TO BE
TRANSFERRED BY OR BEFORE NOVEMBER 30, 2015
TO GENERAL OBLIGATION BOND FUND #600; IN THE
AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Davidson. ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND CATANIA. VOTING NAY: NONE).

RESOLUTION NO. 15-R-53 - (Third Reading) - A RESOLUTION TO AUTHORIZE AND
(Mayor Tyler) APPROVE TRANSFER OF FUNDS FROM THE GENERAL
FUND #100; TEMPLEVIEW SEWER PROJECT #503;
SAID FUNDS TO BE TRANSFERRED BY OR BEFORE
DECEMBER 31, 2015 TO GENERAL OBLIGATION BOND
FUND #600; IN THE AMOUNTS AND FOR THE
PURPOSES SPECIFIED.

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Schulz. ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND CATANIA. VOTING NAY: NONE).

NEW BUSINESS:**RESOLUTION NO. 15-R-55**
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE FOURTH AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE LAKE COUNTY BOARD OF COMMISSIONERS AND THE LAKE COUNTY DEPARTMENT OF UTILITIES, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Kirek. In discussion, it was noted that the legislation does not need to be adopted at tonight's meeting; it can proceed to Second Reading if Council so chooses. Mr. Kirek withdrew his second to the motion, and Mr. Schulz withdrew his motion. The legislation was placed on First Reading.

ORDINANCE NO. 15-O-56
(Mayor Tyler)

- **AN ORDINANCE TO AMEND CHAPTER 882 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING MUNICIPAL INCOME TAX.**

Read by title only and placed on First Reading. Mr. Richards advised that he would like to amend the adopting ordinance to make provisions in the title of the ordinance to adopt Chapter 883 as the income tax law applicable on and after January 1, 2016, while maintaining Chapter 882 as effective with respect to any income tax year beginning on or before December 31, 2015. Mr. Richards noted that it is a minor technical change, but that he believes it is appropriate and he would like the opportunity to submit that ordinance. He noted that the language of the ordinance will be substantially the same but will provide clarification. Mr. Richards noted that it will be on First Reading at the October 19 meeting.

RESOLUTION NO. 15-R-57
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE CITY OF KIRTLAND, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE EAGLE ROAD SAFETY IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY.**

Read by title only and placed on First Reading.

RESOLUTION NO. 15-R-58
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE CITY OF KIRTLAND, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE S.R. 306 SLOPE STABILIZATION PROJECT, AND DECLARING AN EMERGENCY.**

Read by title only and placed on First Reading.

NEW BUSINESS (continued):

RESOLUTION NO. 15-R-59
(Mayor Tyler)

- A RESOLUTION AUTHORIZING THE CITY OF KIRTLAND, OHIO TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF WILLOUGHBY HILLS TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) FOR THE WORRELL ROAD RESURFACING PROJECT, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND CATANIA. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND CATANIA. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Powell. The motion of Council passed by unanimous vote and the meeting adjourned at 7:58 p.m.

President of Council

Clerk of Council