

## KIRTLAND CITY COUNCIL MINUTES

June 6, 2016

The meeting of Kirtland City Council was called to order at 7:02 p.m. by Councilman David Kirek. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Kevin Eilerman, David Kirek, Kevin Potter, Matthew Schulz and Joseph Smolic. R. Robert Umholtz and Robert Skrbis were absent.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel F. Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer and Police Chief Wayne Baumgart. Fire Captain Frank Ponzani was present in the absence of Fire Chief Anthony Hutton..

### PUBLIC HEARING – TAX BUDGET FOR FISCAL YEAR 2017:

Councilman Kirek 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 2017 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 to collect the taxes that have been voted on by the citizens. Mr. Martinet noted that a copy of the tax 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 Councilman Kirek closed the public hearing.

### MINUTES OF THE MAY 16, 2016 WORK SESSION:

Mr. Potter moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Potter moved to adopt the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 3/0/2 (VOTING YEA: KIREK, POTTER AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN AND SCHULZ).** Law Director Richards noted that the abstentions are counted with the majority.

### MINUTES OF THE MAY 16, 2016 COUNCIL MEETING:

Mr. Potter moved to waive the reading of the minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Potter moved to adopt the Minutes, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 4/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ AND SMOLIC. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

### DEPARTMENT REPORTS:

**Fire Captain Frank Ponzani** noted that Chief Hutton is on vacation. Captain Ponzani stated that last year Chief Hutton applied for the Ohio Bureau of Workers' Compensation grant to purchase a power lift and load system for one of the ambulances; he noted that it is a motorized cot and it will lift 600 to 700 pounds. He noted that the grant provided funding for one unit, at a cost of approximately \$40,000. Captain Ponzani noted that Workers' Compensation is interested in funding the grant because it reduces the claims due to back injuries. He noted that the unit was put in place on the busiest squad, located at Station 2. Captain Ponzani noted that through the 2015 Assistance to Firefighters grant program, which is a Federal program for the Department of Homeland Security, funding was requested for two additional units which would cost approximately \$88,000 including installation. He noted that the City has not yet received a response.

**DEPARTMENT REPORTS (continued):**

**Police Chief Wayne Baumgart** advised that the formal report has been distributed. Chief Baumgart noted that the Department received a letter from the Department of Rehabilitation advising that the jail passed the inspection.

Chief Baumgart noted that he distributed a bookmark and sticker featuring J.D., encouraging people to use their seat belts and to not use drugs. Responding to Councilman Potter, Chief Baumgart stated that J.D. is approximately three to four years old, and he is an Italian Mastiff, also known as a Cane Corso.

**City Engineer Philip Kiefer** advised that his monthly report for May has been distributed. Referring to the work that was done on Wrenwood, Councilman Schulz inquired when the final coat will be applied. Mayor Davidson advised that it will be done on Tuesday, weather permitting.

Responding to Councilman Smolic, Mr. Kiefer advised that work cannot begin on Worrell Road until July, after the Willoughby Hills Mayor signs the agreement. Mr. Kiefer noted that at the earliest, work will begin in mid-July; he stated that the Kirtland Service Department will do some of the in-kind work. Mr. Smolic inquired whether Willoughby Hills will do any of the work; Mr. Kiefer replied that he is not sure of their plans.

**Finance Director Keith Martinet** advised that the bond anticipation notes were sold last week; the rate was 1.25 percent and the funds were received on June 22. Mr. Martinet stated that it is 0.25 percent higher than last year's rate. Noting that interest rates have increased, Mr. Martinet stated that the City received a good rate by utilizing the Ohio loan guarantee program.

Mr. Martinet advised that the first Tax Board of Review meeting was held (under the new House Bill 5) with the new delegates appointed by Council. He noted that the Board reviewed a couple of cases, and the meeting went well.

**Law Director Daniel Richards** gave no formal report and no questions were asked of him.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson stated that he received a call from a resident regarding a loose dog issue, noting that the legislation being reviewed by the Standing Committee will help clarify the handling of these circumstances. The Mayor noted that this specific case is still under investigation, although a citation was issued. He noted that this was not in the same location as the previous issue.

With regard to stormwater, Mayor Davidson noted that a letter was sent to a number of residents located along Stoney Brook, a waterway that runs along Wilbert, Singlefoot, Pheasant, Arborhurst and Eagle, and drains at Route 6. He noted that Mr. Kiefer created a map showing the location of the stormwater issues, and this is one of the target areas. The Mayor noted that Mr. Kiefer and Mr. Catania will be looking for obstacles that prevent the water from flowing as it should.

With regard to paving, Mayor Davidson advised that the mist coat (the final coat) that will firm up the chip and seal will be done on Martin and Wrenwood tomorrow, weather permitting. The Mayor noted that Deerfield is next on the list, which will be ground down and receive the chip and seal process.

Mayor Davidson stated that the Memorial Day event was well attended; there was a great speaker and a lot of work went into the event.

The Mayor noted that the Zoning Inspector has been addressing exterior home maintenance issues and commercial exterior maintenance issues.

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

Referring to a residence on Rockwood Drive, Councilman Smolic noted that there have been property maintenance issues that have been ongoing for a few years; he inquired whether property owners are fined, especially for chronic issues. He noted that Mr. Catania advised that the City does not cut the grass for an occupied residence, but he inquired whether that could be considered. Mayor Davidson stated that it would overburden the Service Department, noting that all of the Service Department employees are needed for drainage work and road repair. He advised that citations will be issued for violations if the property owner does not comply with a notice of violation; he noted that if there is a desire to increase the fine provided in the Ordinance, it would have to be brought before Council.

Councilman Potter noted that a resident advised that a culvert on Tibbetts Road is undermining the road and cars are bottoming out. Mayor Davidson stated that he will bring this to Mr. Catania's attention, noting that residents should not hesitate to call and leave a message at the Service Department for such issues.

Mayor Davidson stated that he received a letter regarding an erosion problem on Wisner Road due to the river; he noted that the City is aware of this situation but does not yet have a solution for engineering or financing. Mr. Kiefer stated that this has been discussed with Chagrin River Watershed Partners; they will provide ideas to resolve the problem, along with possible funding sources.

Noting that a marathon and a "Louie Run" were held yesterday, Chief Baumgart stated that he received one complaint from an individual about not being able to get to church on time. He noted that the churches were notified ahead of time, and he has been in contact with the lady who complained.

**STANDING COMMITTEE REPORTS:**

As Chairman of the Police and Fire Standing Committee, Councilman Smolic stated that the Law Director sent an updated draft of the dog ordinance, noting that he forwarded it to the Committee for review. Mr. Smolic stated that a Standing Committee meeting will be scheduled to finalize the ordinance.

**CORRESPONDENCE:**

None.

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

**Concetta Rash, 8660 Hemlock Ridge Drive,** stated her concern about all the potholes and crevices, noting that no attention has been paid to paving the roads in her neighborhood. Mrs. Rash stated that as she recalls, the last time their roads were paved was when Mayor Podojil was in office. She stated that Hemlock Ridge is still in pretty good shape, but Regency Woods Drive is a well travelled road and needs to be paved.

**Dennis Rash, 8660 Hemlock Ridge Drive,** stated that there are 36 significant bumps on Regency Woods Drive. Mr. Rash stated that he noticed a for sale sign at Mike's Salvage Company on Garfield Road; he provided to Council copies of a letter he wrote in 2012 to The Conservation Fund regarding their involvement in purchasing Acacia Country Club, which was made into a park; he noted that at that time he provided a copy of the letter to Mayor Tyler and to Council, in hopes that the City could make that area into a park. He stated that he also sent a letter to the Mormon Church. He stated that he never heard back from anyone. Mr. Rash stated that Mike's Salvage has a Laketrans bus sitting two feet from Garfield Road, and there are also several trucks. He stated that he has safety concerns because the vehicles are so close

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

to the road; it is on a curve and the road is narrow. Mr. Rash also provided copies of an article that was published in 2012 in The Plain Dealer regarding funds received by the city of Aurora to purchase Aurora Golf Club to restore more than a mile of the Aurora branch of the Chagrin River. Noting that the city of Aurora received 5 million dollars to purchase the property, Mr. Rash questioned whether there would be funds available to Kirtland to purchase the Mike's Salvage property and make it into a park.

**Frank Greicius, 9120 Martin Road,** stated that he has been waiting for the road to be repaved after so many years, noting that discussions were held with the City relating to details at the end of the road. He stated that the Martin Road residents expected that the road would be paved with asphalt based on the conversations with City representatives, but it was done with tar and chip. Noting that he just bought a new bike, Mr. Greicius stated that riding on the tar and chip road is unstable and dangerous. Mr. Greicius inquired how it was determined that this road would be tar and chip, and he inquired if all roads will now be tar and chip.

As noted in his plan for roads that was put together earlier in the year, Mayor Davidson stated that the effort is to stabilize as many miles of road as possible; he advised that only \$400,000 is available for the year for the City's roads. The Mayor noted that a CEM base was used on both Martin and Wrenwood because there was not a satisfactory base; he noted that the top coat for the chip and seal will be done on Tuesday, weather permitting. Mayor Davidson stated that chip and seal will be used on as many miles of road as possible. He noted that the roads in Kirtland Lakes Estates were paved last year but will not receive the top coat this year because there are other roads that have a greater need to be addressed. Mayor Davidson requested that the residents be patient, noting that the top coat will make the road better.

Mayor Davidson stated that although the roads in Regency Woods are not on the paving plan for this year, the City will be patching holes and doing spot paving where necessary. He stated that the roads selected for this year's paving program were based on the road conditions and the budget. The Mayor stated that the City needs to address a lot of roads and prepare them for the future, noting that if funds become available, the City can easily pave over the chip and seal. Mayor Davidson stated that the chip and seal is a process that ODOT endorses for certain applications, based on how many vehicles travel on the road and the speed limit. The Mayor stated that Kirtland has the benefit of having an ODOT engineer on City Council (Councilman Schulz), noting that his expertise and the experience of the Service Administrator and City Engineer has been valuable in putting together the paving plan after the budget was passed. The Mayor noted that there are no matching funds or grants available for resurfacing local roads.

Mayor Davidson stated that Arborhurst and Singlefoot will be paved differently, with continuous curbing and concrete at the outside of the road; he noted that hot mix will likely be placed between the curbs.

**Maureen Greicius, 9120 Martin Road,** stated that she has lived on Martin Road for 33 years, and the road has been a nightmare for the past 15 to 20 years. Noting that the City put the effort into widening the road and putting in the base, Mrs. Greicius stated that the finish should be asphalt in order for the road to last. She inquired whether Councilman Schulz, as an ODOT engineer, is comfortable and confident of the work being done on Martin Road.

Councilman Schulz stated that he is confident in the chip and seal process, noting that he and the Mayor had several discussions in this regard. Mr. Schulz stated that the chip and seal is a paving maintenance type of application, noting that Kirtland has 70 plus miles of roads to maintain and the available funds have to be stretched as far as possible; he noted that the City has not had a capital program for road paving for many years. He stated that chip and seal will give the City five to eight years to seal up the base. He noted that the CEM base is a high cost cement stabilization of the base, and that an asphalt emulsion will be placed on top of the stone and it will keep the water out of the base. Mr. Schulz stated that he is comfortable that the chip and seal meets the application for which it is intended, noting that the tax dollars are being shared across the City. Noting that the levy is for only five years, Mr. Schulz stated that the City

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

must look at what can be done during that time period and gain the public trust to come back to the voters. Noting that other cities are also using alternative paving programs, he noted that he interviewed other city engineers and they provided good responses and they have been able to spread the funding and protect the road base. Mr. Schulz stated that if the City does not protect the base, it becomes saturated and the road will fall apart and require a lot of money for reconstruction.

Mr. Greicius inquired whether the same criteria would be used for determining the road surface in all instances. Mayor Davidson stated that some roads will be gravel, with chip and seal on top, as opposed to hot mix asphalt. Mr. Greicius stated that he understands that the City must stay within its budget, but he just wants to be assured that an even standard is being applied.

**Dennis Rash, 8660 Hemlock Ridge Drive,** commented that Route 306 is rougher in Kirtland than in Chesterland in Geauga County. Mayor Davidson advised that Route 306 is scheduled to be resurfaced in 2018; he noted that the State will pay 80 percent of the costs and the City will be responsible for 20 percent. Councilman Schulz noted that for ODOT the 2018 year begins July 2017. Mayor Davidson stated that Chesterland is a township, which is funded differently than a city; he noted that township roads are paved by the State.

The Mayor stated that the Service Administrator has some ideas to address the center joint section of Route 306.

**Linda Wainwright, 9076 Martin Road,** requested that the City inform the residents when they will be working on a road.

**Maureen Greicius, 9120 Martin Road,** stated that the Martin Road residents who attended the meeting with the City last fall were of the understanding that the road would be asphalt. Mrs. Greicius questioned whether the residents of Martin Road can expect that routine maintenance be done in five to eight years. Councilman Schulz stated that pavement design is based on drainage design; he noted that the City Engineers he spoke with were expecting five to seven years of life on a chip and seal road. Mr. Schulz stated that the City will have to look at the financial situation at that time.

Mrs. Greicius inquired if Council has ever considered limiting development rather than adding more roads. Mayor Davidson stated that the developer puts in the road at a much higher standard than in the past; he noted that the City does not accept the road until it meets the current standard. Mayor Davidson stated that he is appreciative that the prior Administration, with the help of the volunteers, worked to get the road levy passed; he noted that prior to that time there was no road priority list.

**Louise Williams, 8924 Martin Road,** stated that she has lived on Martin Road for 48 years, and the road was in better shape in the past than it is currently. She stated that it is difficult to walk on the road because of the gravel, and there is dust. Noting that it is very hard to mow the ditch, Mrs. Williams stated that she was promised a culvert years ago, but she has been told it will cost her \$1700. Mayor Davidson noted that he would like to discuss this with her following the Council meeting. The Mayor stated that when the Service Department was not actively paving, they had a list of ditches to be enclosed, noting that the resident would pay for the materials.

Mrs. Williams inquired why the City put culverts on Booth Road but not on Martin Road. Police Chief Baumgart advised that the culverts are installed for safety purposes; he noted that traffic on Booth Road is travelling at a higher speed than on Martin, and at that higher speed the ditches can cause vehicles to flip over in an accident.

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

**Beth Wagar, 8878 Martin Road**, stated that she has been a resident of Martin Road for 43 years and she has seen the road good and bad, and the road now is safer in that there are no holes, but it is not a very good road. She stated that her windows are covered with dust; she is hopeful that the top coat will improve the road and reduce the dust. Ms. Wagar stated that when the cement base was done, a "lip" was left at the end of her driveway; she stated that it is a tripping hazard, and it is smeared all over the blacktop and it looks awful. She noted that it will cause problems with plowing in the winter, and she requested that it be fixed. She stated that she also thought her drain would be brought up to the surface of the driveway; she asked if that could be addressed. Mayor Davidson stated that he will have the Service Administrator look into this.

**OLD BUSINESS:**

**RESOLUTION NO. 16-R-28**  
**(Mayor Davidson)**

- **(Second Reading) - A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2017.**

Read by title only and placed on Second Reading.

**NEW BUSINESS:**

None.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Eilerman thanked Council and all others who expressed kind words during his family's recent challenge, noting that he appreciated the support.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Eilerman moved to adjourn, with the second by Mr. Smolic. 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