

KIRTLAND CITY COUNCIL MINUTES

September 19, 2016

The meeting of Kirtland City Council was called to order at 7:10 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: David Kirek, Kevin Potter, Matthew Schulz, Robert Skrbis, Joseph Smolic and R. Robert Umholtz. Kevin Eilerman was absent.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel F. Richards, City Engineer Philip Kiefer, Service Administrator Carm Catania and Police Chief Wayne Baumgart.

MINUTES OF THE SEPTEMBER 7, 2016 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Police Chief Wayne Baumgart did not present a formal report. He noted that the Fire Department did a great job today responding to the fire at Old South Church.

Service Administrator Carm Catania advised that the Service Department is doing some work in the parking lot and will be pouring concrete around the catch basins. Mr. Catania noted that work is progressing on the grading in front of City Hall. He stated that the Route 306 centerline striping should be done next week.

Responding to Councilman Schulz regarding semi-truck parking at the Route 6 and Route 306 intersection, Mr. Catania advised that he contacted the property owner's representative with regard to putting up a barrier to keep the trucks out, but he has not heard back from him. Mr. Catania stated that he will follow-up on this.

Responding to Councilman Smolic, Mr. Catania stated that the chip and seal contractor went back out to Martin Road. Mr. Catania noted that there will be different specifications going forward.

City Engineer Philip Kiefer stated that his monthly report for August has been distributed. Mr. Kiefer introduced Keely Davidson-Bennett, Senior Project Manager, and Kim Lawson, Project Manager, from Chagrin River Watershed Partners. He noted that they are attending tonight's meeting to answer Council's questions regarding the stormwater ordinances.

Councilman Schulz inquired about the preparation fee for the abbreviated stormwater plan. Mr. Kiefer advised that there would be no change, since an abbreviated plan is currently required. Mr. Kiefer noted that if less than one acre is being disturbed, there will be no additional costs to the property owner.

Councilman Potter inquired about major questions that have arisen in other communities. Ms. Davidson-Bennett stated that Kirtland is the second community she has worked with on the updates; she noted that Willoughby Hills adopted all of Chagrin River Watershed Partner's recommendations. She noted that other communities have had questions regarding some of the language.

DEPARTMENT REPORTS (continued):

Ms. Davidson-Bennett stated that in their model, they discussed using both post-construction soil renovation as well as soil preservation; Kirtland has elected to require soil preservation but not require post-construction soil renovation. She noted that Mayfield Heights will likely be making that same choice. Ms. Davidson-Bennett stated that there have been discussions regarding some of the specific points in the code, but there have not been recurring questions.

With regard to soil protection, Ms. Davidson-Bennett stated that Kirtland is proposing a change to assure that during construction large construction equipment does not drive over those areas that will not be built upon, so that the soil retains the ability to soak in water. She noted that without that requirement, those areas will not be as effective at retaining water. Ms. Davidson-Bennett stated that the additional recommendation that Kirtland is not currently considering is to require that the areas driven upon during construction be tilled again to try to get back some of the water retention capability that was lost during construction. She stated that the soil preservation that is included in Kirtland's ordinance is a positive step.

Law Director Daniel Richards noted that a session was held at his office last week reviewing the Downtown Redevelopment District legislation that became effective in August. He stated that it will probably lend itself to further study relating to mechanisms that would be available to spur development in the downtown historic district or other places appropriately zoned for commercial development. Mr. Richards stated that to fully implement this opportunity, participation of experts is needed; he noted that there are individuals that specialize in this area.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated that prior to the meeting, he stopped and watched the response of the Fire Department, the mutual aid and the Police Department in handling the fire at Old South Church, and their response was impressive. The Mayor stated his appreciation to all those involved.

Mayor Davidson expressed his appreciation to Keith Martinet, Julie Loxterman and Chris Speece for their excellent work in the Finance Department, noting that the results from the audit were very good and there are no practices that are incorrect. He noted that for 2014 and 2015, there was one small timing issue regarding receipt of funds from another government agency. Mayor Davidson stated that the Auditor confirmed that the City is well served by its Finance Department.

Councilman Smolic inquired if the City has ever pursued any type of development program, such as that reviewed at the Law Director's office last week. Mayor Davidson stated that he signed a purchase order for the services of CT Consultants to prepare a Community Reinvestment Area application for two areas in Kirtland, one being the downtown historic district and the other being the Route 6 corridor. He stated that the objectives are similar, noting that he should have the results before the end of the year to present to Council to see if it meets the desired objective. With regard to attracting business, Mayor Davidson stated that surrounding communities have incentives of different types. He noted that this can be addressed further by a Standing Committee once the results have been received.

STANDING COMMITTEE REPORTS:

With regard to the Safety (Police and Fire) Standing Committee, Councilman Smolic stated that he discussed the dog ordinance with the Law Director, and a revised draft will be forthcoming. Mr. Richards stated that he made inquiries to other communities relative to the breed specific language in the legislation and other suggestions with regard to language that is less than breed specific but intended to reduce the likelihood of attacks associated with specific breeds. He noted that registration is being considered as a method of keeping track of specific breeds without prohibiting them.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 16-O-32
(Mayor Davidson)

- (Third Reading) - AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ AND KIREK. VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 16-R-38
(Mayor Davidson)

- A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE NOVEMBER 30, 2016 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on First Reading.

ORDINANCE NO. 16-O-39
(Council President Umholtz)

- AN ORDINANCE TO UPDATE THE STORMWATER ORDINANCES OF THE CITY OF KIRTLAND PURSUANT TO RENEWAL OF THE OHIO EPA MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT.

Read by title only. Councilman Skrbis inquired about the Planning and Zoning Commission’s review of the ordinances. Mr. Kiefer stated that the stormwater ordinances were discussed at three Planning and Zoning Commission meetings. He noted that there was a preliminary discussion, resulting in some changes that were incorporated into the ordinances. Mr. Kiefer noted that a public hearing was held; there was no public in attendance for the hearing. Noting that some sections were being stricken, Mr. Kiefer stated that the Commission noticed that the paragraph numbering needed to be adjusted. Mr. Kiefer stated that he made all of the changes and re-numbered the ordinances to match the Kirtland ordinances. He noted that the ordinances are attached to the legislation in final form; Council also received the color coded preliminary copies showing the changes that have been made.

NEW BUSINESS – ORDINANCE NO. 16-O-39 (continued):

Councilman Skrbis inquired about the post-construction and pre-construction measures. Ms. Davidson-Bennett stated that the Planning and Zoning Commission has chosen to include some, but not all, of the recommendations of Chagrin River Watershed Partners. She stated that this is just one component of the ordinances, noting that it is not a major issue. Mr. Kiefer stated that he believes the Commission made the best decisions for Kirtland in including some of the recommendations and excluding others. Ms. Davidson-Bennett noted that their model ordinances are available on their website, with the color coded recommendations.

Councilman Potter inquired if the reason for not including the post-construction soil renovation is because it is cost prohibitive to the builder or unnecessary. Mr. Kiefer advised that it is much costlier to the builder. He noted that the builder would have to fluff up all the soil around the house because it was disturbed; once that is done and people move in and begin cutting the grass and running over the area with lawn tractors, the soil becomes compressed again.

Mr. Potter inquired about the reason the post-construction soil renovation was included in Chagrin River Watershed Partner's recommendation. Ms. Davidson-Bennett stated that they chose their specific recommendations based on what has been done in other model communities, mostly in other states. She stated that they also discussed their model code with the Ohio Department of Natural Resources and Ohio EPA; both thought it was a good idea. She stated that it is just a step above, and that requiring the soil preservation, as included in the Kirtland ordinance, is a positive step to address the pollutants in the Chagrin River watershed. Ms. Davidson-Bennett stated that there have been some studies done on post-construction soil renovation, and there is reason to believe that it adds value, however it would also add cost to the builder, so she understands why a community may not want to adopt that requirement.

Councilman Potter stated that although it is burdensome to put the extra cost on the builder, if these issues are not addressed when building, they could become a problem later on. Ms. Davidson-Bennett noted that with soil preservation, the City is taking positive steps to address the pollutants that impair the Chagrin River. Noting that most of Kirtland's watersheds are cold-water habitats, Ms. Davidson-Bennett stated that another positive means of addressing the problems with the Chagrin River is to require that, in cold-water habitats, stormwater control measures are used to either soak more water in or lower the runoff temperature so that the water discharged to the cold-water habitat streams is not so warm that it is impairing the sensitive fish and other organisms living in the cold-water habitats; she noted that this requirement is included in Kirtland's ordinance.

Mr. Kiefer stated that the site plans for new homes this year have kept the land disturbance down to less than one acre (.7 to .8) most of the time, including the driveway.

Councilman Smolic inquired if this will apply to both new homes and new businesses that are constructed. Ms. Davidson-Bennett stated that an abbreviated stormwater pollution prevention plan is required for any construction in the City, but most of the regulations come into place when there is disturbance of more than one acre.

Ms. Davidson-Bennett stated that for all of its member communities, Chagrin River Watershed Partners is available to answer questions about implementing any of the ordinances for which they have provided recommendations.

Mayor Davidson stated that there will be conversation on stormwater management for construction sites prior to construction, before they have caused issues for the downstream neighbors with runoff and sediment. The Mayor noted that Chagrin River Watershed Partners has been very responsive to the City recently with regard to riparian setback issues. He noted that Kirtland is ahead in its ordinances, allowing the City to provide more thoughtful protection to the Chagrin River watershed.

NEW BUSINESS – ORDINANCE NO. 16-O-39 (continued):

Council President Umholtz thanked Ms. Davidson-Bennett and Ms. Lawson for attending the meeting to help Council better understand the stormwater ordinances.

The legislation was placed on First Reading.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Skrbis noted that, due to a scheduling issue, he may be a few minutes late for the October 3 meeting.

Councilman Schulz thanked Mr. Catania and the Mayor for installing the parking bollards at the Recreation Park, noting that it is very helpful in organizing the parking.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Potter. The motion of Council passed by unanimous vote and the meeting adjourned at 7:48 p.m.

President of Council

Clerk of Council