

## KIRTLAND CITY COUNCIL MINUTES

November 9, 2016

The meeting of Kirtland City Council was called to order at 7:13 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: Kevin Eilerman, David Kirek, Kevin Potter, Matthew Schulz, Robert Skrbis, Joseph Smolic and R. Robert Umholtz.

Administrative personnel present were: Mayor Douglas E. Davidson, 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 OCTOBER 16, 2016 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, as presented, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK, POTTER AND SCHULZ. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

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

**Police Chief Wayne Baumgart** advised that the formal report for October has been distributed. Chief Baumgart advised that a movie crew is working in the city, currently on Eagle Road near Kirtland-Chardon Road. He noted that two Kirtland officers have been hired to maintain traffic in that area. Chief Baumgart stated that they will be in the same area tomorrow, although not on the street; he noted that there may be some shots fired as part of the move. Noting that the movie crew is also working in Holden Arboretum, the Chief stated that information is posted on the Department's Facebook page.

Chief Baumgart announced that Sergeant Lance Nosse will be sworn-in tonight as Executive Officer (Lieutenant). Mayor Davidson administered the Oath of Office. Lieutenant Nosse was joined by his family; and fellow officers and many friends and family members were present for the ceremony. Mayor Davidson noted that he is proud to have Lieutenant Nosse as part of the Departmental leadership.

Chief Baumgart presented Lieutenant Nosse with his badge and order. Chief Baumgart noted that he worked with Lieutenant Nosse's father, who was a Captain in Euclid. Chief Baumgart stated that the Police Department strives to have the officers trained and certified in the weapons they carry. In addition to his previous management training, Chief Baumgart stated that Lieutenant Nosse graduated from Great Lakes Leadership Academy last week, and he can now join the Law Enforcement Executive Development Association. Chief Baumgart also noted that Sergeant Fisher will be attending the FBI Academy in the near future.

Lieutenant Nosse introduced his family, and he thanked the Police Chief and the Mayor for the opportunities that have been provided to him. Chief Baumgart noted that Lieutenant Nosse worked under his command in Euclid, and he has been able to watch him mature in his abilities and become a leader, even before he was a sergeant. Chief Baumgart noted that the Kirtland police officers take care of many different aspects of police work and investigation that are not handled by officers in other Police Departments.

**DEPARTMENT REPORTS (continued):**

Lieutenant Nosse received the applause of all those present and the congratulations of the Administration and Council members. Council President Umholtz stated that he is proud of Kirtland's Police Department, noting that they are very professional; he noted that Kirtland is growing and changing, but the focus and activities of the Kirtland Schools, along with the City's safety forces, allow Kirtland to retain its hometown charm. Mr. Umholtz commended Lieutenant Nosse for his leadership, which sets the tone for the other officers; and he stated that he is proud of Lieutenant Nosse for his work in the Department and he is proud to call him a friend.

**Service Administrator Carm Catania** did not present a formal report. Councilman Skrbis inquired about the septic issue on Billings Road. Mr. Catania stated that he has contacted the Lake County Health Department and advised that sewage was visible in the manhole in the front. Noting that he has not heard anything back, Mr. Catania stated that he will follow-up with the Health Department.

Councilman Smolic commented that the sidewalk looks fantastic.

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

**Finance Director Keith Martinet** did not present a formal report and no questions were asked of him.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson thanked the residents of Kirtland for passing Issue 1, the Senior and Recreation Levy renewal, noting that the City will continue to work to improve in this area for the residents.

**STANDING COMMITTEE REPORTS:**

Councilman Smolic, Chairman of the Police and Fire Standing Committee, stated that late this afternoon Mr. Richards forwarded the latest version of the dog ordinance draft; he noted that he hopes to schedule a Standing Committee meeting in the next couple weeks.

**CORRESPONDENCE:**

None.

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

**Attorney Anthony J. Coyne of Mansour Gavin LPA** addressed Council on behalf of the Kane family. Mr. Coyne stated that he submitted a letter to the Law Director, which has been shared with the Mayor and Council. Mr. Coyne stated that the Kane family owns property at 8620 Euclid-Chardon Road. He noted that he met with Mr. Richards, Mr. Kiefer, and Mr. Catania in August. Mr. Coyne stated that he is formally requesting that the property be removed from the City's 2022 Comprehensive Plan, noting that the property is currently identified for acquisition for recreational purposes, including park land and a multi-purpose trail. Mr. Coyne stated that he provided to the Law Director a map showing the Comprehensive Plan.

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

Mr. Coyne stated that the Comprehensive Plan acts as a cloud on the title and potentially depreciates the value of the Kane property to some extent; a potential buyer could be dissuaded by the prospect that the property has been identified for public acquisition, often termed as eminent domain. Mr. Coyne stated that it is his understanding that the proposed recreational use is unlikely to happen and that he is formally requesting that the current designation be removed altogether.

Mr. Coyne stated that the Kane family is trying to decide what the future will be for their property. He requested that Council initiate legislation to modify the Comprehensive Plan and formally remove this property from the Comprehensive Plan so that it will no longer be identified as property to be acquired for recreational purposes.

Mr. Coyne inquired when the City Council would plan to take any action on this request. Council President Umholtz advised that Council will need to consult further with the Law Director.

**Hans Wichter, 10899 Crestwood Drive,** stated that it was his understanding that the base on the streets in his neighborhood were to be repaired, but he has not seen that anything has been done. Mr. Wichter stated that the streets are deteriorating quickly and they were promised that they would receive blacktop. He noted that chip and seal will not last one year, noting that there are many chuckholes. He commented that there are new sidewalks on Route 306, but the streets in his neighborhood have not been fixed.

Mayor Davidson stated that drainage work has been done on Crestwood and Parkwood in preparation for work on the street. Mayor Davidson stated that the City developed an aggressive plan for the streets for 2016, but not all streets were addressed due to time constraints and engineering. Mayor Davidson stated that he will have an updated list published for the Spring, and those streets that were included for 2016 but were not addressed, which would include Crestwood, Parkwood and the other streets in that development, will roll over to the list for 2017. The Mayor stated that he has driven that neighborhood and he is aware of the condition of the streets; he stated that the City will do the best it can with the funds available. Mayor Davidson stated that the work on the sidewalk is the type of work that is done between other projects; he noted that this work was in the budget for this year. The Mayor noted that the Templeview area was connected to a sanitary sewer pursuant to orders from the EPA, and there is now some new construction in the neighborhood. He stated that the sidewalk connects that neighborhood to the downtown area, which will help the downtown area and benefit the entire City.

Service Administrator Catania stated that drainage work was needed, noting that they lowered a large culvert and installed some pipe and catch basins; and some of the residents had their ditches enclosed. Mr. Catania stated that the underlying material below the street needs to be dried up so the base work can be done properly. He stated that the drainage work was done, along with some patching. Mr. Catania stated that three side streets were done this year with chip and seal, which is a preliminary base for an overlay.

**Diane Brezec, 10792 Crestwood Drive,** stated that there are a lot of chuckholes on Crestwood and Elmwood that have not been patched this year, noting that she has been calling the Service Department in this regard. Ms. Brezec inquired if they would be able to get a "block watch" sign for their neighborhood. Chief Baumgart advised that training would be required for residents; he noted that block watches usually start out very strong, but then stop. He noted that it is up to the neighborhood residents to arrange shifts and keep the block watch running, but they tend to lose interest. Ms. Brezec inquired if there are other ways to be aware of what is going on in the neighborhood. Chief Baumgart advised that she can call him if she has any concerns or questions. He stated that officers have gone door to door to notify residents if there is a specific issue in an area; he noted that information is also posted on the Police Department's Facebook page.

**OLD BUSINESS:****RESOLUTION NO. 16-R-40**  
**(Mayor Davidson)**

- (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE DECEMBER 31, 2016 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on Second Reading.

**ORDINANCE NO. 16-O-42**  
**(Mayor Davidson)**

- (Second Reading) - AN ORDINANCE AMENDING CHAPTER 624 OF THE CODIFIED ORDINANCES BY ENACTING SECTIONS 624.17 AND 624.18 PROHIBITING THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES, THE INDOOR AND OUTDOOR CULTIVATION OF MEDICAL MARIJUANA, AND THE DELIVERY OF MARIJUANA, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

**NEW BUSINESS:****RESOLUTION NO. 16-R-43**  
**(Mayor Davidson)**

- 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 SR 306 SAFETY IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

Read by title only. Councilman Smolic inquired about the project cost breakdown. City Engineer Kiefer advised that, as noted in the legislation, the total project cost is \$2,000,000; the City will receive \$1,356,600 from ODOT and \$200,000 from the Lake County Stormwater Management Department. Mr. Kiefer noted that this legislation is to apply for \$300,000 in grant money from the Ohio Public Works Commission, formerly known as Issue 2 funds. Mr. Kiefer stated that the City's share will be \$200,000, and the Service Department should be able to do some of the work to reduce the City's actual cash outlay. Mr. Kiefer stated that the project will be from the Geauga County line to Kirtland Road, noting that the remaining portion (to the north) was done a couple years ago.

Mayor Davidson noted that there is a timing issue, and he requested that Council waive the three readings. Mr. Kirek moved to waive the three readings, with the second by Mr. Eilerman. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Potter. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, UMHOLTZ, EILERMAN, KIREK AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

None.

**PUBLIC COMMENTS:**

Mayor Davidson stated his appreciation to Councilman Eilerman for taking several hours out of his day to talk to residents at the polls regarding the renewal levy.

**ADJOURNMENT:**

Mr. Kirek moved to adjourn, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote and the meeting adjourned at 7:49 p.m.

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President of Council

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Clerk of Council