

KIRTLAND CITY COUNCIL MINUTES

January 20, 2010

The meeting of Kirtland City Council was called to order at 7:23 p.m. by Council President R. Robert Umholtz. Councilman Webbe led the prayer which followed the Pledge of Allegiance. The members of Council present were: Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis, R. Robert Umholtz and Donald Webbe.

Administrative personnel present were: Mayor Mark A. Tyler, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

PRESENTATION OF MAYORAL PROCLAMATION:

Mayor Tyler announced that the Kirtland Kiwanis Club has named Dr. James Porter as the 2009 Citizen of the Year. Mayor Tyler welcomed Dr. Porter, requesting that he come forward to receive the proclamation honoring him for his many achievements and his continuing service to the City. Mayor Tyler read the proclamation in its entirety and presented it to Dr. Porter. Dr. Porter spoke briefly, noting that he moved to Kirtland 36 years ago and that Kirtland is a great city in which to live and raise a family. Dr. Porter expressed his gratitude for the cooperation between the City and the Kirtland Schools. Dr. Porter received the applause of all those present and the congratulations of the Mayor and Council.

PUBLIC HEARING – PROPOSED ORDINANCE AMENDING SECTION 1244.02(c)(4) RELATING TO MINOR SUBDIVISION PROCEDURES:

Council President Umholtz opened the public hearing in this regard. There were no comments or questions, and the public hearing was concluded with the consent of Council.

MINUTES OF THE JANUARY 4, 2010 WORK SESSION:

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, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

MINUTES OF THE JANUARY 4, 2010 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, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report and no questions were asked of him.

Police Chief Wayne Baumgart advised that the December report contained a programming error in the reporting of fatal accident numbers, noting that it shows a total of "1" for the year, although all monthly totals show "0". Chief Baumgart advised that there were no fatal accidents for 2009.

City Engineer Philip Kiefer gave no formal report and no questions were asked of him.

DEPARTMENT REPORTS (continued):

Finance Director Keith Martinet advised that he is working on the budget with the Mayor.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler advised that he presented a state of the City address on January 11 at the Kirtland Library.

Mayor Tyler reminded Council of the joint meeting on Monday, January 25, between Council, the Planning and Zoning Commission and the Board of Zoning Appeals. The Mayor noted that the meeting is required by the City Charter.

Noting that he received an e-mail with regard to the intersection of Prelog and Sperry, Councilman Davidson inquired how the City can improve the intersection. Mayor Tyler advised that this matter was discussed in the staff meeting today, and that the matter is being reviewed by the Law Director, City Engineer and Police Chief. The Mayor stated that he will update Council as soon as a conclusion is reached.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Valerie Wolcott Mendelson, 9106 Prelog Lane, stated that she was the author of the e-mail to Council. She stated that there was a recent near-accident at the intersection recently, which prompted her to write the e-mail. Noting that she did not clearly hear the Mayor's report, she inquired about the status. Mayor Tyler advised that the person involved contacted him and future action was discussed. The Mayor advised that the City is deliberating the action to be taken, and the matter is being reviewed by the Law Director, the City Engineer and the Police Chief. Responding to Mrs. Mendelson, Mayor Tyler confirmed that he anticipates a conclusion to this matter in the near future, as soon as the research is complete.

OLD BUSINESS:

<u>ORDINANCE NO. 10-O-1</u> (Council President Umholtz)	-	(Second Reading)	-	AN ORDINANCE AMENDING SECTION 1244.02(c)(4) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO MINOR SUBDIVISION PROCEDURES.
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Read by title only and placed on Second Reading. Councilman Schulz inquired of the Clerk whether Mrs. Schaefer was contacted to advise her of this ordinance amending the approval expiration with regard to her recently approved minor subdivision. The Clerk advised that the deeds have already been prepared and the legal descriptions were stamped by the Planning and Zoning Commission, and the minor subdivision is in the process of being recorded.

NEW BUSINESS:**RESOLUTION NO. 10-R-2**
(Mayor Tyler)

- A RESOLUTION CONFIRMING THE REAPPOINTMENT OF MRS. JEANNE KILE TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 10-R-3
(Mayor Tyler)

- A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DR. JAMES H. PORTER TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS BOARD, 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: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

ORDINANCE NO. 10-O-4
(Mayor Tyler)

- AN ORDINANCE ESTABLISHING SECTION 1042.07 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, DECLARING POLICY RELATING TO THE DESIGN, INSTALLATION AND CONSTRUCTION OF SANITARY SEWER SERVICE THROUGHOUT THE CITY, SPECIFICALLY PERTAINING TO NON-BASEMENT SERVICE OF THE CITY OF KIRTLAND, OHIO.

Read by title only and placed on First Reading.

RESOLUTION NO. 10-R-5
(Mayor Tyler)

- A RESOLUTION APPOINTING A CHARTER REVIEW COMMITTEE, WITH RECOMMENDATIONS TO BE SUBMITTED TO THE ELECTORATE, AND DECLARING AN EMERGENCY.

Read by title only. Council President Umholtz noted that names have been suggested for each of the ward positions and for the at-large position. Mr. Davidson moved to nominate Donald D. White, 7876 Russellhurst Drive and Deloris C. Parsons, 7806 Fairidge Drive from Ward 1; Mr. Webbe provided the second. There were no other nominations, and Mr. Kirek moved to close the nominations, with the second by Mr. Powell. Voting on the motion to close nominations – **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Voting on the motion of nomination – **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

NEW BUSINESS – RESOLUTION NO. 10-R-5 (continued):

Mr. Kirek moved to nominate Theodore O. Wiese, 9099 Regency Woods Drive and Richard L. Blum, 8111 Forestdale Drive from Ward 2; Mr. Webbe provided the second. There were no other nominations, and Mr. Kirek moved to close the nominations, with the second by Mr. Powell. Voting on the motion to close nominations - **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Voting on the motion of nomination – **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

Mr. Powell moved to nominate Thomas A. Dice, 10650 Hickory Hill Court and Lorraine L. Schupp, 10770 Chillicothe Road from Ward 3; Mr. Webbe provided the second. There were no other nominations, and Mr. Kirek moved to close the nominations, with the second by Mr. Webbe. Voting on the motion to close nominations - **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Voting on the motion of nomination – **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

Mr. Skrbis moved to nominate Michael Inghram, 8500 Bridlehurst Trail and George F. Gore, 11123 Woodlake Drive from Ward 4; Mr. Webbe provided the second. There were no other nominations, and Mr. Kirek moved to close the nominations, with the second by Mr. Webbe. Voting on the motion to close nominations - **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Voting on the motion of nomination – **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

Mr. Webbe moved to nominate F. Marvin Bahr, 7772 Maple Street for the at-large position; Mr. Schulz provided the second. There were no other nominations, and Mr. Kirek moved to close the nominations, with the second by Mr. Webbe. Voting on the motion to close nominations - **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Voting on the motion of nomination – **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

Mr. Skrbis moved to waive the three readings for Resolution No. 10-R-5, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt Resolution No. 10-R-5 appointing a Charter Review Committee, with recommendations to be submitted to the electorate, with the following appointees: Ward 1 – Donald D. White and Deloris C. Parsons; Ward 2 – Theodore O. Wiese and Richard L. Blum; Ward 3 – Thomas A. Dice and Lorraine L. Schupp; Ward 4 – Michael Inghram and George F. Gore; At-Large – F. Marvin Bahr. Mr. Davidson provided the second. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. 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. Schulz. The motion of Council passed by unanimous vote. The time was 7:49 p.m.

President of Council

Clerk of Council