

KIRTLAND CITY COUNCIL MINUTES

October 19, 2009

The meeting of Kirtland City Council was called to order at 7:00 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: Royal Brettrager, Douglas Davidson, David Kirek, Timothy Powell, 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, Service Administrator Carm Catania and Fire Chief Anthony Hutton.

MINUTES OF THE OCTOBER 5, 2009 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 6/0/1 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, WEBBE AND BRETTRAGER. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

MINUTES OF THE OCTOBER 5, 2009 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: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE AND BRETTRAGER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

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

Service Administrator Carm Catania did not give a formal report. Councilman Skrbis commented that correspondence, and a telephone call, was received from residents of Prelog Lane, stating their thanks for the repair to the road. Responding to Councilman Skrbis, Mr. Catania advised that the issue of a traffic mirror and sight distance at Prelog Lane and Sperry Road is still being debated.

City Engineer Philip Kiefer advised that the formal report for September, 2009 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 and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler advised that he, Chief Hutton and Firefighter Matt Killeen attended an open house at TriPoint Medical Center last Tuesday, noting that the facility is an asset to Lake County.

Mayor Tyler noted that he, Councilman Davidson, Michelle Hauser, Julie Loxterman, Chris Speece and Denise Roelle attended public records training last Thursday at Lakeland Community College. The Mayor stated that it was an informative session, noting that Mrs. Roelle attended as the designee for Council members.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Tyler requested that an executive session be held immediately following the regular business of the meeting to discuss personnel issues, specifically salary.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

RESOLUTION NO. 09-R-46
(Mayor Tyler)

- **(Second Reading) - A RESOLUTION TO PERMIT DOMINION EAST OHIO GAS, A PUBLIC UTILITY, TO CONSTRUCT A COMPRESSOR STATION AT 8620 EUCLID-CHARDON ROAD, OPTION B, IN THE CITY OF KIRTLAND, OHIO AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Flesher was present on behalf of Mr. Excavator, the property owner; and Keith Gunsch was present on behalf of Dominion East Ohio Gas. Councilman Skrbis requested an update regarding Dominion's plans for site location. Mr. Gunsch advised that Dominion has been unable to come to terms with Mr. and Mrs. Straka or Lake Farmpark with regard to the Straka property site; he noted that Dominion has been working to reach an agreement with Mr. Excavator, and they are turning their attention strictly to the Mr. Excavator property. Responding to Councilman Webbe, Mr. Gunsch stated that Dominion is pursuing the Option B site on the Mr. Excavator property, and that the parties are close to reaching an agreement. Responding to Council President Umholtz, Mr. Gunsch confirmed that Option B is the site located further from Route 6. Mr. Flesher advised that the Option B site is approximately 400 ft. from Euclid-Chardon Road. Councilman Skrbis noted that this site is equally viable as the site on the Straka property.

Discussion ensued. Councilman Powell inquired about Dominion's commitment to this site. Mr. Flesher advised that the parties are working to put together letters of intent, and that Council endorsement is requested. Mr. Flesher advised that the parties understand the duration, that surveys have been done, and it is taking some time to complete all of the plans, noting that there are still design issues to be completed. Mr. Flesher advised that the final drawings must be completed before a legal agreement can be put in writing. Mr. Gunsch noted that construction would not begin until 2010, but that Council approval is needed in order to move forward on the design for the permits.

Mr. Catania advised that this site has already been approved by the Planning and Zoning Commission. Law Director Richards confirmed that Council approval is required before the zoning permit is issued.

Mr. Skrbis moved to waive the three readings, with the second by Mr. Brettrager. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE AND BRETTRAGER. VOTING NAY: NONE).** Councilman Powell clarified that the motion relates to Option B.

OLD BUSINESS – RESOLUTION NO. 09-R-46 (continued):

Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Brettrager. In discussion, it was noted that the legislation for the previously approved site is not being repealed and that the Straka property site is still an option in the event a final agreement is not reached for the Mr. Excavator property. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE AND BRETTRAGER. VOTING NAY: NONE).** Mayor Tyler requested that Mr. Flesher or Mr. Gunsch advise the Zoning Office when the agreement is finalized.

NEW BUSINESS:**RESOLUTION NO. 09-R-47**
(Mayor Tyler)

- A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; WASTE WATER PLANT #500; WASTE WATER PLANT #501; WASTE WATER PLANT #502; SAID FUNDS TO BE TRANSFERRED TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED AND DECLARING AN EMERGENCY.

Read by title only. The legislation was placed on First Reading.

RESOLUTION NO. 09-R-48
(Mayor Tyler)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN UNDERGROUND EASEMENT TO THE OHIO BELL TEL. CO. D.B.A. AT&T OHIO, ACROSS CITY PROPERTY, 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: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE AND BRETTRAGER. 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: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE AND BRETTRAGER. VOTING NAY: NONE).**

RESOLUTION NO. 09-R-49
(Mayor Tyler)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN UNDERGROUND EASEMENT TO THE CLEVELAND ELECTRIC ILLUMINATING CO. AND THE OHIO BELL TEL. CO. D.B.A. AT&T OHIO, ACROSS CITY PROPERTY, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Webbe moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE AND BRETTRAGER. 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: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE AND BRETTRAGER. VOTING NAY: NONE).**

NEW BUSINESS (continued):

ORDINANCE NO. 09-O-50
(Mayor/Council President)

- **AN ORDINANCE AMENDING SECTION 660.15 OF THE CODIFIED ORDINANCES, RELATING TO FENCES, AND DECLARING AN EMERGENCY.**

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

* * * * *

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURN INTO EXECUTIVE SESSION (7:24 P.M.):

Mr. Skrbis moved to adjourn into executive session to discuss personnel and salaries, pursuant to Article 1, Section 7(a) of the City Charter. Mr. Webbe provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE AND BRETTRAGER. VOTING NAY: NONE).**

RETURN TO REGULAR SESSION (7:50 P.M.):

Mr. Powell moved to adjourn the executive session, with the second by Mr. Brettrager. The motion of Council passed by unanimous vote. Immediately thereafter, Mr. Powell moved to reconvene the regular session, with the second by Mr. Brettrager. The motion of Council passed by unanimous vote, whereupon the regular session of Council reconvened.

ADJOURNMENT:

Mr. Powell moved to adjourn, with the second by Mr. Brettrager. The motion of Council passed by unanimous vote. The time was 7:51 p.m.

President of Council

Clerk of Council