

## KIRTLAND CITY COUNCIL MINUTES

March 15, 2010

The meeting of Kirtland City Council was called to order at 7:09 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, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

### MINUTES OF THE MARCH 1, 2010 WORK SESSION:

Mr. Davidson moved to waive the reading of the Minutes, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. Mr. Davidson moved to adopt the Minutes, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 4/0/3 (VOTING YEA: SCHULZ, WEBBE, DAVIDSON AND KIREK. VOTING NAY: NONE. ABSTAINING: SKRBIS, UMHOLTZ AND POWELL).**

### MINUTES OF THE MARCH 1, 2010 COUNCIL MEETING:

Mr. Davidson moved to waive the reading of the Minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Davidson moved to adopt the Minutes, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 4/0/3 (VOTING YEA: SCHULZ, WEBBE, DAVIDSON AND KIREK. VOTING NAY: NONE. ABSTAINING: SKRBIS, UMHOLTZ AND POWELL).**

### DEPARTMENT REPORTS:

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

**Police Chief Wayne Baumgart** did not give a formal report. Responding to Councilman Schulz, Chief Baumgart advised that signs are posted on roads on which commercial motor vehicles are prohibited.

Councilman Schulz inquired about patrol of the Prelog/Sperry Road area. Chief Baumgart advised that the street is on a list for "directed patrol", noting that officers have been on the street with radar but no arrests have been made.

**Service Administrator Carm Catania** did not present a formal report. Councilman Davidson inquired about the potential for additional parking spaces at the City recreation park, as discussed last year. Mr. Catania advised that he and the Mayor visited the park on Friday and that additional parking may be provided this year.

**City Engineer Philip Kiefer** gave no formal report. Responding to Councilman Schulz with regard to the Prelog Lane and Sperry Road intersection, Mr. Kiefer advised that, other than the signs that have been placed, nothing further is being pursued at this time.

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

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

**Mayor Mark Tyler** stated that, regretfully, Service Department employee Bruce Carter has submitted his resignation effective April 2, 2010.

Mayor Tyler reminded Council that the deadline for filing Ohio Ethics Commission financial disclosure statements is April 15, 2010.

The Mayor advised that the egg hunt and pancake breakfast is scheduled for Saturday, March 27 at 10:00 a.m. at the Community Center.

Mayor Tyler stated that the Strawberry Festival will be held June 17 through June 20 at the Kirtland Schools campus, noting that this year will be the 50<sup>th</sup> Strawberry Festival.

With regard to Safety Town, Mayor Tyler advised that graduation is scheduled for June 18 and June 25. The Mayor noted that the response was so great that the program has been split into two classes this year.

Mayor Tyler noted that work will commence this summer on bridges on Sperry Road and Booth Road and should be completed before winter.

Mayor Tyler advised that he attended a NOACA meeting downtown last Friday.

Responding to Councilman Skrbis, Mayor Tyler stated that a timeline schedule is not yet available for construction at Sperry Road and Route 6.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

Council President Umholtz reported on the following:

1. From the Ohio Division of Liquor Control, the notice of request to transfer D1, D2, D3, D3A and D6 permits from Kallay Investments, Inc., dba Olde Towne Tavern (at 7592 Chardon Rd. & 1<sup>st</sup> FL & Patio) to MSG Klub LLC (at 7592 Chardon Rd. & 1<sup>st</sup> FL & Patio). Police Chief Baumgart advised that there have been no problems with the Olde Towne Tavern. Council members did not request that a hearing be held regarding the advisability of transferring the permit. Noting that the reply must be postmarked no later than April 9, 2010, Council President Umholtz stated that there is still some time to respond in the event that Council raises any concerns.

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

**Dr. Jim Porter, 7585 Euclid-Chardon Road and Jim Naughton, 9626 Chillicothe Road**, addressed Council with regard to senior housing for Kirtland, noting that City funding is not being requested for senior housing. Dr. Porter provided a brief history, noting that zoning and sewers have been an issue. Dr. Porter noted that the City's creation of the Historic Town Center District, along with the upcoming sewers, provides the potential to develop senior housing. Dr. Porter stated that the Kirtland Kiwanis are forming a committee to look at all options for senior housing possibilities in Kirtland, noting that an informal survey was taken of Kiwanis members. Mr. Naughton distributed copies of the survey results to Council.

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

Dr. Porter requested support from the City in working with the Kiwanis committee, noting that a professional quality needs survey will be developed. He requested the City's assistance in developing materials for landowners and developers to review before making a proposal. Responding to Councilman Skrbis, Dr. Porter stated that the governing Board of Kiwanis will be asked to formally appoint a committee at its March meeting.

Council President Umholtz noted that many developers and senior housing institutions have halted new projects due to the economy, and he noted that it may be difficult to find a developer willing to take on the economic risk. Once the Kiwanis committee is formed, Council President Umholtz suggested that the committee provide Council with specific questions, noting that Council will share information that it has available. Mr. Umholtz stated that the committee could meet with the Planning and Zoning Standing Committee and the Public Relations Committee, once the results of the professional survey are available.

Mr. Umholtz thanked Dr. Porter and Mr. Naughton for addressing Council in this regard.

**OLD BUSINESS:****ORDINANCE NO. 10-O-7  
(Mayor Tyler)**

- (Third Reading) - AN ORDINANCE SETTING  
THE APPROPRIATION FOR THE YEAR 2010.

Read by title only. Council President Umholtz noted that the Ordinance must be amended as follows: Fire Operating Levy #202, increase of \$5,000 based on funds to be collected by Lake County; and Fire Emergency Levy #204, decrease of \$5,000 based on funds to be collected by Lake County. Mr. Davidson moved to amend as noted, and Mr. Webbe provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).**

It was noted that the Ordinance reverts to Second Reading due to passage of the amendment. Mr. Webbe moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).** Mr. Webbe moved to adopt, as amended, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).**

**RESOLUTION NO. 10-R-8  
(Mayor Tyler)**

- (Second Reading) - A RESOLUTION  
AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH THE OHIO DEPARTMENT OF  
TRANSPORTATION FOR THE PURCHASE OF  
SODIUM CHLORIDE (ROCK SALT), 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 6/0/1 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

**OLD BUSINESS (continued):**

**RESOLUTION NO. 10-R-9** - (Second Reading) - **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW 2010 FORD F-350 CAB AND CHASSIS FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.**  
(Mayor Tyler)

Read by title only. Fire Chief Hutton advised that the total project cost for the grass fire truck is \$90,000, and that the Assistance to Firefighters Grant will provide 95 percent of the total project cost. Mr. Webbe moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).** Mr. Davidson moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).**

**RESOLUTION NO. 10-R-10** - (Second Reading) - **A RESOLUTION ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH DANIEL F. RICHARDS AS LAW DIRECTOR OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**  
(Mayor Tyler)

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: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. 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: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).**

**NEW BUSINESS:**

**RESOLUTION NO. 10-R-11** - **A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**  
(Mayor Tyler)

Read by title only and placed on First Reading.

**ORDINANCE NO. 10-O-12** - **AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN CORRECTIONS TO THE CODIFIED ORDINANCES; AND TO PROVIDE FOR THE PUBLICATION OF SUCH NEW MATTER, AND DECLARING AN EMERGENCY.**  
(Mayor Tyler)

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: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE).**

**NEW BUSINESS (continued):**

**RESOLUTION NO. 10-R-13**  
**(Mayor Tyler)**

-       **A RESOLUTION CONFIRMING THE MAYOR’S  
APPOINTMENT OF CT CONSULTANTS, INC., AS  
ENGINEERS FOR THE CITY OF KIRTLAND, AND  
DECLARING AN EMERGENCY.**

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

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Responding to Councilman Powell, Councilman Davidson advised that he will provide an agenda for the Service Department Standing Committee meeting scheduled for Monday, April 19, 2010. Mr. Davidson stated that the purpose of the meeting is to consider improvements to fences at the Recreation Park.

Councilman Webbe recognized the students from Notre Dame and thanked them for attending the meeting.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Kirek moved to adjourn, with the second by Mr. Webbe. The motion of Council passed by unanimous vote. The time was 7:48 p.m.

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President of Council

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Clerk of Council