

KIRTLAND CITY COUNCIL MINUTES

May 17, 2010

The meeting of Kirtland City Council was called to order at 7:12 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.

PUBLIC HEARING

Kirtland Charter Review Committee
Proposed Charter Amendments

The following members of the Charter Review Committee were present: Deloris Parsons, Ward 1; Donald White, Ward 1; Richard Blum, Ward 2; Theodore Wiese, Ward 2; Lorraine Schupp, Ward 3; Thomas Dice, Ward 3; George Gore, Ward 4; Michael Inghram, Ward 4; and F. Marvin Bahr, At-Large and Chairman.

Mr. Bahr thanked the members of Council for permitting the Charter Review Committee to hold the public hearing as part of the regular Council meeting. Mr. Bahr stated that the Committee will consider any comments raised during the public hearing; he noted that the Committee will likely not consider any further changes that are not addressed at tonight's public hearing.

Mr. Bahr gave a power point presentation and reviewed the proposed amendments. He noted that an editor's note has been added to clarify that day time limits refer to calendar days. He noted corrections in the table of contents due to elimination of the Board of Cemetery Trustees and the addition of a section relating to corrections to the Charter.

Mr. Bahr stated that language in Article I, Section 1, has been amended to state that Council shall, at least every four years, review the ward proportionments relative to population, noting that it can be done more often if necessary. Mr. Bahr noted that language has been clarified in Article I, Section 2, and in Article II, Section 2, clarifying that Council and the Mayor shall not have financial interest in any contract with the City.

Mr. Bahr noted that, at the suggestion of Council, the reference to the time of the organizational meeting has been removed. He stated that language has been added allowing Council to recess during the month of August. Noting that the Charter references a "journal", Mr. Bahr advised that those references have been amended to "minutes".

Referring to Article I, Section 8, Council President Umholtz stated that during the work session, Council discussed paragraph (d) with regard to increasing or diminishing Council members' salaries. Mr. Umholtz noted that the Mayor will address this with the Charter Review Committee at its meeting on Wednesday.

Mr. Bahr noted that the wording of Article 1, Section 9, has been rewritten to better clarify the effective date of ordinances and resolutions. He noted that for an emergency ordinance or resolution, additional wording has been proposed. Mr. Bahr noted that the amended paragraph references Article II, Section 6 of the Charter.

Mr. Bahr stated that in Article II, Section 9, the word "qualified" was replaced with "certified", since the Mayor is certified after he is elected.

PUBLIC HEARING (continued):

With the elimination of the Board of Cemetery Trustees, Mr. Bahr advised that language has been added to provide that those responsibilities lie with the Director of Public Services.

Referring to Article II-A, Section 5, relating to the Director of Law, Mr. Bahr noted that the wording was clarified to authorize the Mayor to employ special counsel for particular matters. Mr. Bahr stated that additional language is proposed to require that the Law Director shall have and maintain an active license to practice law throughout his/her term. Council President Umholtz questioned whether there is any reason to continue to require that the Director of Law and his/her assistants must be residents of Lake County. Mr. Bahr stated that the Committee can discuss this. With regard to the proposed additional language, Mr. Umholtz suggested that this language be added to the third paragraph.

With regard to the Civil Service section, Mr. Bahr stated that the proposed changes provide consistency in gender references and terminology. In response to an inquiry from Mr. Bahr, Chief Hutton advised that in the State of Ohio, part-time firefighters are considered voluntary. Responding to an inquiry from Councilman Webbe, Chief Hutton advised that, through the State of Ohio, the Volunteer Firefighters' Dependents Fund will assist part-time firefighters to receive funding if they are injured in the line of duty.

Referring to paragraph (b)5 in the Civil Service section, Mayor Tyler suggested that "City Clerk" and "Administrative Secretary" be deleted and replaced with "administrative personnel." The Mayor noted that "administrative personnel" would include the administrative staff in the Mayor's office, the Finance office and the Zoning office. Mr. Wiese questioned whether the administrative personnel would be included in paragraph (a) relating to classified service. Mayor Tyler advised that those administrative personnel having qualifications necessary for their positions are distinguished from the classified service referred to in paragraph (a)(3)C.

Referring to Article VII, Section 2, Mr. Bahr stated that amendments are proposed to reflect the manner in which the Charter Review Committee is selected, and to clarify that the Committee is appointed every ten years. Additionally, Mr. Bahr noted that language was added to require that the Charter Review Committee hold a public hearing and give public notice of same; and that it is clarified that Council shall submit the Committee's proposals unaltered to the electorate at the next general election.

Mr. Bahr stated that a new Section 3 has been added in Article VII, allowing Council to make non-substantive corrections to the Charter by unanimous vote of the entire Council.

Mr. Bahr advised that the Charter Review Committee is scheduled to meet on Wednesday, May 19, 2010; he noted that the Committee will consider all comments made by Council or the public.

There were no further comments from Council or from the audience, and the public hearing was concluded.

Councilman Webbe thanked the members of the Charter Review Committee for their time and effort, noting that they have done an outstanding job. Council President Umholtz expressed appreciation to the Committee members for their efforts in this Charter review, and also for their ongoing commitment to the City.

MINUTES OF THE MAY 5, 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 5/0/2 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, POWELL AND SCHULZ. VOTING NAY: NONE. ABSTAINING: KIREK AND SKRBIS).**

MINUTES OF THE MAY 5, 2010 COUNCIL MEETING:

Mr. Davidson moved to waive the reading of the Minutes, with the second by Mr. Webbe. The motion of Council passed by unanimous vote. Mr. Davidson moved to adopt the Minutes, with the second by Mr. Webbe. **ROLL CALL: MOTION CARRIED 5/0/2 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, POWELL AND SCHULZ. VOTING NAY: NONE. ABSTAINING: KIREK AND SKRBIS).**

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 and no questions were asked of him.

Service Administrator Carm Catania did not present a formal report. Councilman Skrbis stated that he received an e-mail with regard to the first property on Billings Road past Loreto Drive, and he inquired whether there are any issues that need to be addressed. Mr. Catania stated that he will look into this.

Councilman Skrbis inquired about the status of a drainage issue on Mr. Swindell's property on Crary Lane, noting that a house is being built behind them, on Ascot, resulting in severe water problems. Mr. Kiefer advised that a swale was constructed, but an ATV track has affected the swale. Mr. Kiefer suggested that the property owner contact the Rocking Horse Farms Homeowners' Association, noting that it is their swale and that it is the responsibility of the Homeowners' Association to maintain the drainage. Responding to Councilman Powell, Mr. Kiefer stated that the subdivision plat provides that if the Homeowners' Association does not maintain the swale, the City can correct the problem and assess the Homeowners' Association. Councilman Skrbis inquired about assessment of damages to the swale. Mr. Kiefer noted that he and Service Administrator Catania can inspect the swale.

Noting that he received another call from an Alpine Drive resident regarding ATV and four-wheel vehicle activity under the power lines, Council President Umholtz requested that Mr. Catania speak with him following the meeting. Mr. Umholtz noted that he will provide Mr. Catania with the name and address of the resident.

City Engineer Philip Kiefer did not present a formal report. Responding to Councilman Schulz regarding an anticipated completion date for the Dominion pipeline, Mr. Kiefer advised that their target completion date is the end of June.

Finance Director Keith Martinet did not give 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 Mark Tyler thanked the Charter Review Committee for their efforts, noting that they have done a great job. The Mayor also thanked Mr. Bahr for giving the presentation at tonight's meeting.

The Mayor advised that the Planning and Zoning Commission will hold a public hearing on Wednesday, May 26, 2010, with regard to the proposed zoning amendments.

Mayor Tyler noted that on Friday, May 21, 2010 the third grade classes will visit City Hall for City Government Day.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road, stated that the sign at the intersection of Markell Road and Route 306 has been moved to a satisfactory location. Mr. Coleman thanked those involved for addressing this situation.

Tom Booth, 9771 Chillicothe Road, addressed Council with regard to a fire at his rental home on Route 6. Mr. Booth stated that the Police and Fire Department personnel were very professional and helpful. Noting that the fire was started by a child, Mr. Booth expressed his concerns about the lack of accountability on the part of the parents. He noted that the insurance company has stated there is no coverage since there were no charges filed. Mr. Booth stated his concern that there were no repercussions to the parents. Mr. Booth noted that, fortunately, no one was hurt.

While empathizing with Mr. Booth, Council President Umholtz deferred to the Law Director, noting that this is likely a legal concern beyond the capacity of Council. Mr. Richards stated that if any criminal activity was involved, both the Fire Department and Police Department will investigate, and if there are any violations of statutes or ordinances, it will be referred to the Law Department for review and determination.

Matt Ridgeway, 8510 Bridlehurst Trail, addressed Council with regard to drainage issues on his property. He noted that a stream runs through the middle of his property and takes a 90 degree turn under two 24 inch pipes. Mr. Ridgeway stated that water backed up and flooded his basement and the driveway of his neighbor, Michael Inghram. Mr. Ridgeway inquired who is responsible, noting that concrete placed in the area many years ago is now eroding. Mr. Kiefer advised that he sent a letter two years ago to the former owner, Mr. Weiss, with a suggested solution. Mr. Kiefer stated that there may be a blockage in the pipes, noting that Mr. Catania could televise the pipes.

Councilman Skrbis stated that he visited the property and that the concrete is eroding, noting that it is a few feet from the street and could cause problems to the street.

Michael Inghram, 8500 Bridlehurst Trail, stated that both pipes are on his property, noting that he has lived there for 23 years. Mr. Inghram stated that the pipe continues underneath the road and fills up to maximum capacity, noting that the drainage pipes cannot handle the water.

Discussion ensued in this regard. Mr. Catania stated that he and Mr. Kiefer will visit the property. Mayor Tyler stated that this problem was discussed two years ago, noting that the City is aware of the history.

OLD BUSINESS:

RESOLUTION NO. 10-R-17
(Mayor Tyler)

- (Third Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 30, 2010 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

OLD BUSINESS – RESOLUTION NO. 10-R-17 (continued):

Read by title only. Mr. Webbe moved to adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

RESOLUTION NO. 10-R-19
(Mayor Tyler)

- (Second Reading) - **A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; MAJOR CAPITAL EQUIPMENT #229; TEMPLEVIEW PROJECT #300; SR 306 WIDENING PROJECT #306; GENERAL OBLIGATION BOND FUND #600; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JULY 15, 2010 TO GENERAL OBLIGATION BOND FUND #600; GENERAL FUND #100; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 10-R-21
(Mayor Tyler)

- **A RESOLUTION ACCEPTING THE BID OF RONYAK BROTHERS PAVING, INC. FOR THE US 6 RESURFACING PROJECT (LAK-US-6-5.19), AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RONYAK BROTHERS PAVING, INC. AND DECLARING AN EMERGENCY.**

Mr. Webbe moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Davidson moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

* * * * *

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Skrbis reminded Mr. Catania that Council would like to receive a list of priority streets for repair.

Councilman Powell stated that the City must be proactive in addressing drainage issues throughout the City. Mayor Tyler noted that Mr. Catania met with Stormwater Management today.

COUNCIL COMMENTS (continued):

Referring to the issues on Mr. Ridgeway's property, Councilman Skrbis expressed concern for the safety of small children. Mr. Catania stated that he will visit the property, and if there are any hazards, barrels will be placed.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Schulz moved to adjourn, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. The time was 8:04 p.m.

President of Council

Clerk of Council