

KIRTLAND CITY COUNCIL MINUTES

June 21, 2010

The meeting of Kirtland City Council was called to order at 7:10 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 and Fire Chief Anthony Hutton. Police Sergeant Ronald Andolsek was present in the absence of Police Chief Wayne Baumgart.

PUBLIC HEARING – TAX BUDGET FOR FISCAL YEAR 2011:

Council President Umholtz opened the public hearing in this regard. Finance Director Keith Martinet advised that, pursuant to State law, the City of Kirtland is required to hold a public hearing regarding the 2011 tax budget that is submitted to the County Auditor. Mr. Martinet stated that the purpose of the tax budget is to demonstrate to the County Auditor the City's need for the funds that have been voted on by the citizens. Mr. Martinet noted that a copy of the budget has been available for review in the Finance Director's Office; he noted further that the public hearing has been duly advertised as required. There were no public comments or questions, and the public hearing was concluded with the consent of Council.

MINUTES OF THE JUNE 7, 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: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

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

Police Sergeant Ronald Andolsek did not give a formal report and no questions were asked of him.

Service Administrator Carm Catania gave no formal report and no questions were asked of him.

City Engineer Philip Kiefer did not present a formal report. Councilman Skrbis inquired about the status of the Route 6 and Sperry Road intersection project. Mayor Tyler advised that the City is working on a schedule for the project and looking into some additional engineering; he stated that he will keep Council apprised of the progress. Council President Umholtz noted that there was an accident at this intersection a few weeks ago.

Councilman Powell inquired about the status of the sewer project. Mayor Tyler stated that he spoke today with Al Saari of the Lake County Department of Utilities and requested a meeting within the next two weeks between the Lake County Department of Utilities, CT Consultants, the City and Mr. Excavator. The Mayor stated that he hopes to have an update at the next Council meeting.

DEPARTMENT REPORTS (continued):

Finance Director Keith Martinet advised that he has prepared, posted and distributed the May 2010 financial statements.

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 attended Congressman LaTourette's annual Conference for Mayors and Elected Officials in Washington, D.C. on June 10, 11 and 12. The Mayor stated that the topic of Federal grants was discussed.

Mayor Tyler stated that he attended a NOACA summit on Tuesday in downtown Cleveland, as part of the national conference.

With regard to Safety Town, the Mayor noted that two classes are being held this year. He stated that he attended the graduation ceremony on Friday morning for the first class. Noting that it is a great program, Mayor Tyler commended instructor Wendy Bak and the Police and Fire Departments. The Mayor noted that the second class started today.

Mayor Tyler publicly commended the Police, Fire and Public Works Departments with regard to the house explosion in Concord, noting that Chief Hutton and several of the City's firefighters responded; and with regard to the incident involving a cave-in during excavation, noting that the gentleman was safely removed from the trench and is in stable condition.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

Council President Umholtz reported on the following:

1. Zoning Permit Request: **Brian Payne of Payne & Payne Builders, Inc.** was present on behalf of **Joe and Kimberly Katic** to request Council approval for the issuance of a zoning permit for Sublot 10 in Foxwood Forest Subdivision, Phase II. City Engineer Philip Kiefer advised that the subdivision is complete and he recommended that Council authorize the issuance of a zoning permit. Mr. Powell moved to grant the approval, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

RESOLUTION NO. 10-R-23
(Mayor Tyler)

- (Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN THE SERVICES OF CT CONSULTANTS, INC., AS ENGINEERS FOR CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE EUCLID-CHARDON ROAD (US-6) RESURFACING PROJECT FOR THE CITY OF KIRTLAND PURSUANT TO THE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

RESOLUTION NO. 10-R-24
(Mayor Tyler)

- (Second Reading) - A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2011.

Read by title only and placed on Second Reading.

ORDINANCE NO. 10-O-25
(Mayor Tyler)

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$640,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ENGINEERING AND DESIGN SERVICES RELATED TO THE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL SANITARY SEWERAGE SYSTEM BEING UNDERTAKEN IN COOPERATION WITH LAKE COUNTY, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

ORDINANCE NO. 10-O-26
(Mayor Tyler)

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$400,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE INTERSECTION OF CHILLICOTHE ROAD (SR 306) AND CHARDON ROAD (US 6) BY WIDENING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING TURN LANES, STORM SEWERS AND STORM WATER FACILITIES AND INSTALLING SIGNAGE AND TRAFFIC SIGNALIZATION, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

OLD BUSINESS (continued):

ORDINANCE NO. 10-O-27
(Mayor Tyler)

- **(Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$390,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF IMPROVING, IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, CHARDON ROAD (US 6) BY RESURFACING, AND DECLARING AN EMERGENCY.**

Read by title only and placed on Second Reading.

ORDINANCE NO. 10-O-28
(Mayor Tyler)

- **(Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$180,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF IMPROVING CHILlicothe ROAD (SR 306) AT LAKELAND COMMUNITY COLLEGE BY RECONSTRUCTING AND IMPROVING TURN LANES IN COOPERATION WITH THE CITY OF WILLOUGHBY, AND DECLARING AN EMERGENCY.**

Read by title only. Councilman Webbe noted that the legislation erroneously states "Chillicothe Road"; Mr. Webbe pointed out that State Route 306 is not Chillicothe Road in front of Lakeland Community College. Mr. Davidson moved to amend the ordinance to remove the reference to "Chillicothe Road". Mr. Kirek provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** The legislation was placed on Second Reading.

ORDINANCE NO. 10-O-29
(Mayor Tyler)

- **(Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$165,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING AN AMBULANCE, INCLUDING RELATED EQUIPMENT AND APPARATUS, AND DECLARING AN EMERGENCY.**

Read by title only and placed on Second Reading.

ORDINANCE NO. 10-O-30
(Mayor Tyler)

- **(Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$160,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE INTERSECTION OF CHARDON ROAD (US 6) AND SPERRY ROAD BY GRADING, DRAINING, PAVING, CONSTRUCTING STORM SEWERS AND STORM WATER FACILITIES AND INSTALLING SIGNAGE, AND DECLARING AN EMERGENCY.**

Read by title only and placed on Second Reading.

OLD BUSINESS (continued):**ORDINANCE NO. 10-O-31**
(Mayor Tyler)

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$135,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING MOTOR VEHICLES, INCLUDING RELATED EQUIPMENT AND APPARATUS, FOR USE BY THE CITY'S SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

ORDINANCE NO. 10-O-32
(Mayor Tyler)

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING MOTOR VEHICLES, INCLUDING RELATED EQUIPMENT AND APPARATUS, FOR USE BY THE CITY'S SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

ORDINANCE NO. 10-O-33
(Mayor Tyler)

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE MUNICIPAL SANITARY SEWERAGE SYSTEM BY CONSTRUCTING SANITARY SEWERS, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

ORDINANCE NO. 10-O-34
(Mayor Tyler)

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$90,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF IMPROVING, IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND THE CITIES OF MENTOR AND WILLOUGHBY, CHILLICOTHE ROAD (SR 306) AT LAKELAND COMMUNITY COLLEGE BY INSTALLING TRAFFIC SIGNALIZATION, AND DECLARING AN EMERGENCY.

Read by title only. Finance Director Martinet noted that this Ordinance also erroneously refers to "Chillicothe Road" in front of Lakeland Community College. Mr. Skrbis moved to amend the ordinance to remove the reference to "Chillicothe Road". Mr. Davidson provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** The legislation was placed on Second Reading.

OLD BUSINESS (continued):**ORDINANCE NO. 10-O-35**
(Council President Umholtz)

- **(Second Reading) - AN ORDINANCE REPEALING CODIFIED ORDINANCE CHAPTERS 1266, 1268, 1270, 1271, 1272, 1274, 1276, 1277 AND 1284; ENACTING CODIFIED ORDINANCE CHAPTERS 1263, 1268, 1270, 1273, 1275, 1277 AND 1279; AND AMENDING THE ZONING MAP OF THE CITY OF KIRTLAND.**

Read by title only. Council President Umholtz referred to Planning and Zoning Commission Resolutions No. 10-PZ-2 and No. 10-PZ-3. Mr. Umholtz stated that he would entertain a motion to amend Ordinance No. 10-O-35 to include the changes set forth in the Kirtland Planning and Zoning Commission Resolution No. 10-PZ-2 and Kirtland Planning and Zoning Commission Resolution No. 10-PZ-3, copies of which are attached and incorporated into these minutes. Mr. Davidson so moved, and Mr. Powell seconded.

Mayor Tyler noted that Planning and Zoning Commission Chairman Mike Denk is present at tonight's meeting. The Mayor thanked Mr. Denk and the Commission for their efforts in submitting their recommendations to Council; he also thanked Law Director Richards and Clerk Denise Roelle, noting that a lot of work was involved in this process.

Jill Dzinia, representing Marous Hilltop Apartments and Marous Headquarters LLC, thanked Council for amending the ordinance. Councilman Powell noted that the Planning and Zoning Commission considered the concerns of property owners with regard to providing for the best use of the properties involved. Mr. Powell expressed his thanks to Mr. Denk and the other members of the Commission.

Voting began on the motion to amend. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** The legislation was placed on Second Reading.

RESOLUTION NO. 10-R-36
(Council President Umholtz)

- **(Second Reading) - A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF KIRTLAND, THE QUESTION OF THE APPROVAL OR DISAPPROVAL OF AN ORDINANCE REPEALING CODIFIED ORDINANCE CHAPTERS 1266, 1268, 1270, 1271, 1272, 1274, 1276, 1277 AND 1284; ENACTING CODIFIED ORDINANCE CHAPTERS 1263, 1268, 1270, 1273, 1275, 1277 AND 1279; AND AMENDING THE ZONING MAP OF THE CITY OF KIRTLAND, AS ADOPTED BY THE CITY COUNCIL PURSUANT TO ORDINANCE NO. 10-O-35, AND DECLARING AN EMERGENCY.**

Read by title only. Law Director Richards advised that the Resolution does not need to be amended, noting that only the declaration of an emergency is indicated and that language of the Resolution has not been altered.

Councilman Skrbis inquired whether an amendment is necessary due to the amendment to Ordinance No. 10-R-35. Law Director Richards advised that no amendment is needed to Resolution No. 10-R-36, noting that this Resolution refers to Ordinance No. 10-R-35, which has been amended. Mayor Tyler clarified that Resolution No. 10-R-36 is the legislation to submit Ordinance No. 10-R-35 to the electorate. Resolution No. 10-R-36 was placed on Second Reading.

OLD BUSINESS (continued):

ORDINANCE NO. 10-O-37
(Mayor Tyler)

- **(Second Reading) - AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE MUNICIPAL CHARTER OF THE CITY OF KIRTLAND AS RECOMMENDED BY THE CHARTER REVIEW COMMITTEE, AND DECLARING AN EMERGENCY.**

Read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 10-R-38
(Mayor Tyler)

- **A RESOLUTION DECLARING IT NECESSARY TO RENEW THE CURRENT LEVY OF 0.85 MILL FOR COMMUNITY SENIOR CITIZEN AND RECREATIONAL FACILITIES AND PROGRAMS AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE LEVY RENEWAL, AND DECLARING AN EMERGENCY.**

Read by title only. Mayor Tyler requested that Council waive the three readings and adopt the legislation as an emergency. Mr. Skrbis moved to waive the three readings, with the second by Mr. Webbe. Mr. Davidson noted that, as mentioned in the work session, it will save the City money to place this issue on the ballot earlier, although it will not take effect until later. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. 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: WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 10-R-39
(Mayor Tyler)

- **A RESOLUTION PURSUANT TO SECTION 5705.19(h) OF THE OHIO REVISED CODE SUBMITTING TO THE ELECTORS OF THE CITY A QUESTION OF PROVIDING FOR A RENEWAL OF THE CURRENT LEVY OF 0.85 MILL FOR FIVE YEARS FOR COMMUNITY SENIOR CITIZEN AND RECREATIONAL FACILITIES AND PROGRAMS, OUTSIDE THE TEN MILL LIMITATION, AND DECLARING AN EMERGENCY.**

Read by title only and placed on First Reading.

* * * * *

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Powell. The motion of Council passed by unanimous vote. The time was 7:40 p.m.

President of Council

Clerk of Council