

## KIRTLAND CITY COUNCIL MINUTES

June 7, 2010

The meeting of Kirtland City Council was called to order at 7:06 p.m. by Council President R. Robert Umholtz. Mr. 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 and R. Robert Umholtz.

Administrative personnel present were: Mayor Mark A. Tyler, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer and Service Administrator Carm Catania. Fire Captain Douglas Bode was present in the absence of Fire Chief Anthony Hutton.

### MINUTES OF THE MAY 17, 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 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

### MINUTES OF THE MAY 17, 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 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

**Fire Captain Douglas Bode** did not present a formal report and no questions were asked of him. Captain Bode advised that Police Chief Baumgart had to leave for an emergency matter.

**Service Administrator Carm Catania** did not present a formal report. Noting that he was contacted by a resident, Councilman Davidson inquired about the status of repair to Wrenwood Drive. Noting that Council had requested a list of roads for priority repair, Mr. Catania advised that the Department is patching Sperry Road, and then some repair will be done on Kelsey Court. Mr. Catania noted that due to budget constraints, there is no list of roads to be repaired, but that the Department will take care of pothole patching and crack filling to address any hazards.

Councilman Davidson stated that a Charlesderry Road resident contacted him with concerns about possible clear cutting and filling on a neighboring property. Mr. Catania advised that the property owner contacted him with regard to constructing a garage, and that an application should be submitted soon.

Noting that coaches have expressed concerns, Councilman Schulz inquired whether there is a schedule for grading of the ball fields behind the Community Center. Mr. Catania advised that the fields are addressed as needed, noting that he will contact Larry Spence in this regard.

Councilman Schulz stated that he received a complaint from a resident of Loreto Ridge Drive concerning the condition of the road. Mr. Catania advised that he will take a look at the road.

**DEPARTMENT REPORTS (continued):**

Responding to Councilman Skrbis with regard to Mr. Ridgeway's drainage concerns (noted at the last meeting), Mr. Catania stated that he and City Engineer Kiefer visited the property, and that the Fire Department went out and pumped water out of the yard. Mr. Catania noted that this issue is currently being reviewed.

Councilman Skrbis noted that he was contacted by Mr. Swindell regarding drainage issues in his yard. Mr. Catania advised that he and the City Engineer have visited the property, noting that the City Engineer will contact the president of the Homeowners' Association.

Responding to Councilman Skrbis with regard to property on Billings Road, Mr. Catania advised that he will be walking the property with the property owner, and that he will be specific about the issues that need to be addressed.

Responding to Councilman Powell concerning damage to City roads following the heavy rains, Mr. Catania advised that there were some issues that needed to be addressed, but there were no catastrophes. Noting that there are areas with recurring drainage issues, Councilman Powell stressed the need for the City to be proactive with regard to a stormwater management plan. Mayor Tyler stated that he would like to discuss this at a work session before the next Council meeting. Mr. Webbe stated that water drainage has greatly improved on Russellhurst Drive, due to installation of a larger pipe.

**City Engineer Philip Kiefer** advised that the monthly report has been distributed. Noting that the report states that trees were removed from the river on Overlook Drive, Councilman Powell inquired if the stumps were also removed. Mr. Kiefer noted that this refers to the first slippage. Mr. Catania advised that the stumps are still there, noting that the expense to remove them would have been considerable. Mr. Catania stated that the City is working with Lake County Stormwater Management and the Chagrin River Watershed Partners to address this and hopefully receive some financial assistance.

**Finance Director Keith Martinet** advised that the Tax Budget is on the agenda, noting that the public hearing will be held at the next Council meeting and that the legislation will receive three readings.

Mr. Martinet advised that prior to the Council meeting, he signed and presented to the Clerk of Council the Fiscal Officer's Certificates for all of the bond anticipation notes that are on tonight's agenda. Mr. Martinet advised that he distributed a schedule indicating the pay-downs on the notes. He advised that the ordinances will receive three readings.

Mr. Martinet stated that the State Auditor is at City Hall performing the audit, noting that the field work should be completed within the next four to five weeks.

Responding to Councilman Schulz with regard to the bond anticipation notes, Mr. Martinet advised that the City is borrowing short-term, anticipating bonds; he noted that most items are paid down before bonds are issued. He advised that the City is rated by Moody's, and that one-year bond anticipation notes are sold on the market. He noted that the City should receive a rate of 2.5 percent or less.

**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 the final Charter Review Committee meeting was held a couple weeks ago, and that a resolution is on Council's agenda.

Mayor Tyler noted that 106 third-grade students visited City Hall on May 21 for Government Day.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

The Mayor advised that on May 26, the Planning and Zoning Commission held a public hearing with regard to the proposed zoning amendments, noting that many residents attended and commented. Noting that legislation is on tonight's agenda, Mayor Tyler advised that the Planning and Zoning Commission meets on June 14 and will review the residents' comments; he noted that the Commission may present amendments to the legislation.

Mayor Tyler advised that two part-time police officers have retired; Officer Prib and Officer Volk retired at the end of May.

The Mayor stated that Lakeland Community College's Chief McBride retired after 28 years with the College, noting that he, Chief Baumgart and Chief Hutton attended the retirement dinner.

Mayor Tyler requested that an earlier work session be scheduled before the next Council meeting to discuss various matters, including the legislation before Council.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

Council President Umholtz reported on the following:

1. Note from the Clerk of Council advising that Council must set a time and date for a public hearing on the legislation for amendments to the zoning text and map, noting that public notice must be published in the newspaper at least 15 days before the public hearing; the public hearing would need to be scheduled for the ordinance's third reading on July 7, 2010, to allow sufficient time for publication. Upon Council members' agreement, the public hearing was scheduled for July 7, 2010, during the regular Council meeting.

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

**Jill Dzina, representing Marous Hilltop Apartments and Marous Headquarters LLC,** stated that she is attending tonight's meeting to publicly oppose the rezoning of the Marous property from multi-family to single-family in the ordinance that will be presented for public vote. Mayor Tyler noted that the Planning and Zoning Commission will discuss this matter at their next meeting.

**Gregory Kessler, 10895 Tibbetts Road,** addressed Council with regard to drainage issues on his property. Mr. Kessler stated that two or three years ago the culverts on Tibbetts were filled in for safety reasons. He stated that the water now cuts across his drive apron and gouges a deep groove, sometimes 30 inches deep and 30 inches wide, and he cannot get his vehicles in or out of his driveway when this happens. Mr. Kessler stated that this has been occurring for two years, and this year it is getting worse. He noted that the City dumped gravel in his driveway today, but that the gravel will continue to wash away if the problem is not corrected. Mr. Kessler expressed his irritation and frustration in dealing with this issue, and requested that the City correct the problem. Mayor Tyler noted that he has discussed this with the City Engineer and the Service Administrator, and that they are reviewing this issue.

Discussion ensued with regard to maintenance of the culverts. Councilman Powell noted that upstream residents have been blowing leaves into the ditch, causing blocked drains downstream.

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At the request of Council President Umholtz, Mr. Davidson moved to set aside Council Rules in order to consider Resolution No. 10-R-22 out of sequence. Mr. Kirek provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

**RESOLUTION NO. 10-R-22**  
(Council as a Whole)

- **A RESOLUTION APPOINTING DONALD P. WEBBE AS A MEMBER OF THE KIRTLAND CITY COUNCIL TO FILL THE UNEXPIRED TERM OF DONALD P. WEBBE, AND DECLARING AN EMERGENCY.**

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

The Resolution was duly executed, and Mayor Tyler administered the Oath of Office to Donald P. Webbe, Councilman-at-Large.

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**OLD BUSINESS:**

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

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

**NEW BUSINESS:**

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

- **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.**

**NEW BUSINESS – RESOLUTION NO. 10-R-23 (continued):**

Read by title only. Mayor Tyler advised that the Resolution can receive three readings. The legislation was placed on First Reading.

**RESOLUTION NO. 10-R-24** - **A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2011.**  
(Mayor Tyler)

Read by title only and placed on First Reading.

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

Read by title only and placed on First Reading. Responding to Councilman Powell, Mr. Martinet advised that this covers the cost of the engineering, noting that the City will be reimbursed for these costs.

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

Read by title only and placed on First Reading.

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

Read by title only and placed on First Reading. Councilman Schulz questioned the amount, noting that the budget reflects \$300,000 for the project and that the bid came in lower than the estimate. Mr. Martinet advised that the City needed the funding in place in order to sign the contract. He advised that once the contract is completed, the additional funding will be paid down.

**NEW BUSINESS (continued):**

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

- 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 and placed on First Reading. Responding to Councilman Powell, Mr. Martinet confirmed that the \$180,000 is the City of Kirtland's portion, and not the entire cost of the project. Mr. Martinet noted that there will not be much in-kind work on this project.

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

- 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 First Reading.

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

- 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 First Reading.

**ORDINANCE NO. 10-O-31**  
**(Mayor Tyler)**

- 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 First Reading. Mr. Martinet advised that this Ordinance represents new borrowing for the plow truck that is in the 2010 budget; he noted that all of the other note Ordinances are being rolled over.

**NEW BUSINESS (continued):**

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

- 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 First Reading.

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

- 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 First Reading.

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

- 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 and placed on First Reading. Responding to Councilman Schulz, Mr. Martinet advised that the traffic signalization is a separate project from the turning lane improvements project; he noted that the traffic signals have already been installed.

**ORDINANCE NO. 10-O-35**  
**(Council President Umholtz)**

- 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 and placed on First Reading.

**NEW BUSINESS (continued):**

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

- 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.

Read by title only and placed on First Reading.

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

- 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.

Read by title only and placed on First Reading.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

With regard to possible amendments to Ordinance No. 10-O-35, Councilman Davidson inquired about the latest date that changes can be made. Council President Umholtz advised that this must be submitted to the Board of Elections in August in order to be placed on the November ballot. Council President Umholtz suggested that any Council member that has questions regarding the proposed amendments should attend the Planning and Zoning Commission meeting next week.

Councilman Powell noted that there may be an additional request presented to the Planning and Zoning Commission, with regard to property on the east side of Route 306 at the intersection of Route 6 and Route 306. Noting that Mr. Mills has requested that the commercial zoning on his property be extended to the cemetery, Mr. Powell stated that one individual owns the three properties that are located across the street from Mr. Mills' property. Mr. Powell noted that, in most instances, the Planning and Zoning Commission is proposing the same zoning on both sides of the street. Mayor Tyler noted that he believes the Planning and Zoning Commission is aware of this and will consider this at their meeting next week.

**COUNCIL COMMENTS (continued):**

Councilman Webbe requested that Mr. Catania determine whether the Misny law firm still occupies the building on Chillicothe Road.

Councilman Davidson expressed concern about vacant, foreclosed homes in need of upkeep. Mr. Catania advised that in cases of foreclosure, the auditor's records often do not reflect the name of the foreclosing bank for a period of time. He advised that in certain instances, it takes longer to address exterior maintenance violations.

Referring to the proposed zoning amendments, Councilman Powell noted that the amendments will reduce the number of chapters in the Zoning Code to consolidate the information. He noted the importance of helping the public understand the proposed changes.

Mayor Tyler noted that the weather and turnout was good for the Memorial Day parade.

The Mayor advised that Safety Town will begin on June 14, with the second session beginning the following week.

Mayor Tyler stated that Kirtland has been ranked No. 8 in northeast Ohio by Cleveland Magazine, noting that the City received a high rating for safety, education and quality of life. The Mayor thanked Council and the Administration for their hard work and accomplishments.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Kirek moved to adjourn, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. The time was 7:59 p.m.

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President of Council

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Clerk of Council