

KIRTLAND CITY COUNCIL MINUTES

July 6, 2009

The meeting of Kirtland City Council was called to order at 7:17 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, Robert Skrbis, R. Robert Umholtz and Donald Webbe. Absent: Royal Brettrager.

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. Sergeant Ronald Andolsek was present in the absence of Police Chief Wayne Baumgart, and Fire Captain Douglas Bode was present in the absence of Fire Chief Anthony Hutton.

PUBLIC HEARING – TAX BUDGET FOR FISCAL YEAR 2010:

Council President Umholtz opened the public hearing in this regard. Finance Director Keith Martinet advised that, pursuant to State law, the City is required to hold a public hearing on the 2010 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 is available for review in the Finance 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.

PUBLIC HEARING – PROPOSED ORDINANCE AMENDING CHAPTER 1290 RELATING TO FENCES:

Council President Umholtz opened the public hearing in this regard. Mr. Umholtz advised that, pursuant to discussion during the work session, it is Council's intent to table the ordinance and refer it to Council's Planning and Zoning Standing Committee for review and modification. Mr. Umholtz noted that Council has concerns about the ordinance, including electrified fences, fence height restrictions, and other issues. Councilman Skrbis read Section 1290.04(b) in the existing ordinance, relating to electrified fences. There were no public comments or questions, and the public hearing was concluded with the consent of Council.

PUBLIC HEARING – DOMINION EAST OHIO GAS – PROPOSED COMPRESSOR STATION AT 8720 EUCLID-CHARDON ROAD:

Council President Umholtz opened the public hearing in this regard. Councilman Webbe noted that Council received correspondence from Mr. and Mrs. Stuhler with regard to the location of the proposed compressor station. It was noted that Mr. and Mrs. Stuhler stated concerns about the Mr. Excavator site, which is not before Council. There were no public comments or questions, and the public hearing was concluded with the consent of Council.

MINUTES OF THE JUNE 15, 2009 WORK SESSION:

Mr. Webbe moved to waive the reading of the Minutes, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. Mr. Webbe moved to adopt the Minutes, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

MINUTES OF THE JUNE 15, 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 6/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Captain Douglas Bode gave no formal report and no questions were asked of him.

Police Sergeant Ronald Andolsek did not present a formal report. Councilman Davidson commented on a three-car accident that occurred two weeks ago on Route 6 near Sperry Road. Mr. Davidson noted that he does not know the cause of the accident, but that he believes it reinforces the need to address the Route 6 and Sperry Road intersection for safety reasons.

Service Administrator Carm Catania did not present a formal report. Responding to Councilman Powell with regard to an outbuilding on Rockwood Drive that is encroaching on a neighbor's property, Mr. Catania advised that he spoke with the property owner with regard to moving the building. Mr. Catania stated that he will follow up with the property owner.

Responding to Councilman Powell regarding property on Route 6 near Briar Hill, Mr. Catania stated that he and City Engineer Kiefer visited the property; he advised that the water is not coming from the road, but it is a result of the lay of the land. Mr. Catania noted that the ditches were enclosed over 13 years ago.

Responding to Councilman Skrbis with regard to the exterior lighting at New Promise Church, Mr. Catania advised that the church's electrical contractor provided suggestions, such as shields, to address the lighting concerns. Mr. Catania stated that he spoke with the neighbors across the street, and that he will follow up with them. Noting that the City now has a light meter, Mr. Catania stated that once these changes are made he will measure the candle power of the lights. Mr. Skrbis noted that he was contacted by a neighboring property owner on Cray Drive, who had concerns about the lighting and the landscaping.

City Engineer Philip Kiefer advised that the formal report for June has been distributed. Noting that he inquired about a stormwater study a few months ago, Councilman Powell inquired about the status. Mr. Kiefer stated that he will prepare a proposal for the Mayor. Mr. Powell noted that there have been issues with stormwater drainage, and that the situation will likely worsen. A brief discussion ensued with regard to stormwater issues. Mayor Tyler noted that these concerns can be addressed in a work session.

Councilman Skrbis inquired whether the roads in Kirtland Lakes Estates will be repaved in the near future. Mr. Catania stated that these roads are not on the list for repaving, noting that there are other streets in the City with a greater need for resurfacing. Mr. Catania advised that extensive patching is needed and will be done in Kirtland Lakes Estates. Mayor Tyler confirmed that the streets in Kirtland Lakes Estates are not on the high priority list for resurfacing, but that permanent patching will be done.

Councilman Powell noted that he received a call regarding Angela Drive from the president of the Homeowners' Association inquiring when the road would be resurfaced. Mr. Catania stated that he is not aware of any work that needs to be done on Angela Drive. Mayor Tyler requested that Mr. Powell provide him with the contact information for the president of the Homeowners' Association.

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

Law Director Daniel Richards did not give a formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler extended condolences to Chief Baumgart and his family following the loss of his mother.

Mayor Tyler offered congratulations to the Kiwanis and all of the participants for a successful Strawberry Festival.

MAYOR’S REPORT/ANNOUNCEMENTS (continued):

Mayor Tyler stated that 52 children participated in the Safety Town program; he noted that this is the greatest number of children that have participated since the program began.

Mayor Tyler noted that legislation will be on Council’s agenda next week to enter into a loan agreement to accept stimulus funds for the Templeview pump station. Additionally, the Mayor noted that legislation will be on the agenda with regard to the State Route 6 paving project with ODOT for independent engineering services.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Chris Barkas, 7763 Joseph Street, addressed Council with regard to concerns brought to Council’s attention by his neighbor regarding activities on his property. Mr. Barkas stated that he does own several vehicles, and that he has helped people with repairs on their vehicles, but that he is not operating a business on his property. Noting that the neighbor complained about fumes and cars parked on the road, Mr. Barkas stated that there is an existing grandfathered garage being operated across the street. Mr. Barkas addressed Council with regard to various issues with his neighbor.

Councilman Davidson stated that, as a good gesture, Mr. Barkas moved his flatbed truck to the Sunoco station. Mr. Davidson thanked Mr. Barkas for attending the Council meeting and for moving the truck.

Councilman Webbe spoke highly of Mr. Barkas, noting that he has made himself available to help people in need.

OLD BUSINESS:

RESOLUTION NO. 09-R-24
(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; GENERAL OBLIGATION BOND FUND #600; SAID FUNDS TO BE TRANSFERRED TO GENERAL OBLIGATION BOND FUND #600; U.S. ROUTE 6 RESURFACING #907; LAKELAND & 306 SIGNALS #908; LAKELAND & 306 TURN LANES #909; GENERAL FUND #100; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED, AND DECLARING AN EMERGENCY.

OLD BUSINESS – RESOLUTION NO. 09-R-24 (continued):

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

RESOLUTION NO. 09-R-36 - (Second Reading) - **A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2010.**
(Mayor Tyler)

Read by title only. Mr. Martinet advised that this resolution needs to proceed to third reading, and must be received by the County Auditor by July 20, 2009. The legislation was placed on Second Reading.

ORDINANCE NO. 09-O-37 - (Second Reading) - **AN ORDINANCE AMENDING CHAPTER 1290 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO FENCES.**
(Council President Umholtz)

Read by title only. Mr. Skrbis moved to table the ordinance, with the second by Mr. Webbe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).** Council President Umholtz referred this ordinance to the Planning and Zoning Standing Committee to review and return to Council with recommendations.

RESOLUTION NO. 09-R-38 - (Second Reading) - **A RESOLUTION TO PERMIT DOMINION EAST OHIO GAS, A PUBLIC UTILITY, TO CONSTRUCT A COMPRESSOR STATION AT 8720 EUCLID-CHARDON ROAD, IN THE CITY OF KIRTLAND, OHIO AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

Read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 09-R-39 - **A RESOLUTION CONFIRMING THE APPOINTMENT OF MR. KEVIN D. EILERMAN TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

Read by title only. Mr. Webbe moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).** For the benefit of the public, Mr. Webbe noted that this appointment was discussed during Council’s work session. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Webbe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Skrbis inquired about scheduling a meeting to discuss the proposed fence ordinance, in order to expedite the matter. Councilman Powell advised that he will schedule a meeting date and notify the Clerk of Council

Councilman Davidson commended Mr. Kiefer and Mr. Catania for a job well done with regard to the traffic signals at the intersection of Route 6 and Route 306; he noted that the backup of traffic has been significantly reduced.

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 7:52 p.m.

President of Council

Clerk of Council