

KIRTLAND CITY COUNCIL MINUTES

July 13, 2009

The meeting of Kirtland City Council was called to order at 7:05 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: David Kirek, Timothy Powell, Robert Skrbis, R. Robert Umholtz and Donald Webbe. Absent: Royal Brettrager and Douglas Davidson.

Administrative personnel present were: Mayor Mark A. Tyler, Law Director Daniel Richards, City Engineer Philip Kiefer, Service Administrator Carm Catania and Fire Chief Anthony Hutton. Sergeant Ronald Andolsek was present in the absence of Police Chief Wayne Baumgart.

MINUTES OF THE JULY 6, 2009 WORK SESSION:

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

MINUTES OF THE JULY 6, 2009 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton gave no formal report and no questions were asked of him.

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

Service Administrator Carm Catania did not present a formal report and no questions were asked of him.

City Engineer Philip Kiefer did not give 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 invited Amanda Tuttle to come forward, noting that she is the newest full-time police dispatcher, replacing Phyllis Bright who retired on June 1, 2009. The Mayor noted that Ms. Tuttle has been a part-time dispatcher for a couple of years, and that she was selected as last year's "Employee of the Year". Mayor Tyler offered his congratulations, and she received the applause of all those present. Sgt. Andolsek and Chief Hutton stated that Ms. Tuttle has been doing an excellent job as dispatcher.

Mayor Tyler introduced Kevin Eilerman, noting that he has been appointed to fill the vacant position on the Planning and Zoning Commission. The Mayor noted that Mr. Eilerman is committed to the community and possesses a wealth of knowledge. Mayor Tyler offered his congratulations and stated that he is looking forward to working with Mr. Eilerman.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Tyler recommended that Council authorize the City Engineer to issue permits for new houses during Council's recess. Councilman Webbe moved to grant authorization to City Engineer Philip Kiefer to issue zoning permits for new residences in subdivisions not yet approved for maintenance, during Council's summer recess. Councilman Kirek provided the second to the motion. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

Councilman Skrbis noted that he spoke to the Mayor a few weeks ago concerning a telephone call he received dealing with safety issues; Mayor Tyler advised that he followed up on the matter.

STANDING COMMITTEE REPORTS:

Councilman Powell advised that the Planning & Zoning Standing Committee will meet following the conclusion of the regular Council meeting.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

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

Read by title only. Mr. Webbe moved to adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

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

The legislation remains tabled.

RESOLUTION NO. 09-R-38 - (Third Reading) - A RESOLUTION TO PERMIT
(Mayor Tyler) 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.

Read by title only. Mr. Webbe moved to adopt, with the second by Mr. Powell. Councilman Powell questioned Dominion's urgency to construct the facility, noting that no representative is present. Mr. Kiefer noted that he has not been contacted by Dominion. Responding to Law Director Richards, Council President Umholtz confirmed the adoption of the resolution as an emergency, as indicated in the resolution. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 09-R-40
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A LOAN AND ACCEPT AND ENTER INTO A LOAN AGREEMENT ON BEHALF OF THE CITY OF KIRTLAND WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE, AND THE OHIO WATER DEVELOPMENT AUTHORITY, THROUGH THE WATER POLLUTION CONTROL LOAN FUND, FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF THE TEMPLE VIEW SANITARY SEWER WASTEWATER FACILITIES; DESIGNATING A DEDICATED REPAYMENT SOURCE; AND DECLARING AN EMERGENCY.**

Read by title only. Mayor Tyler requested that the readings be waived and that the resolution be adopted as an emergency. Mr. Kirek moved to waive the three readings, with the second by Mr. Webbe. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

RESOLUTION NO. 09-R-41
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN THE SERVICES OF GPD GROUP, AS ENGINEERS 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. Mayor Tyler requested that Council waive the readings and adopt the legislation as an emergency. Mr. Kirek moved to waive the three readings, with the second by Mr. Webbe. Responding to Councilman Webbe, Mayor Tyler advised that the services of CT Consultants will be retained for project management, but that an independent engineering services firm is needed to provide detailed design engineering. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).** Mr. Powell moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

* * * * *

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURN INTO EXECUTIVE SESSION (7:19 P.M.):

Upon the request of Mayor Tyler, Mr. Webbe moved to adjourn into executive session to discuss contract negotiations, pursuant to Article 1, Section 7(d) of the City Charter. Mr. Kirek provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, KIREK, POWELL AND SKRBIS. VOTING NAY: NONE).**

RETURN TO REGULAR SESSION (7:35 P.M.)

Mr. Webbe moved to adjourn the executive session, with the second by Mr. Powell. The motion of Council passed by unanimous vote. Immediately thereafter, Mr. Webbe moved to reconvene the regular session, with the second by Mr. Powell. The motion of Council passed by unanimous vote, whereupon the regular session of Council reconvened.

ADJOURNMENT:

Mr. Webbe moved to adjourn, with the second by Mr. Powell. The motion of Council passed by unanimous vote. The time was 7:36 p.m.

President of Council

Clerk of Council