

KIRTLAND CITY COUNCIL MINUTES

July 7, 2010

The meeting of Kirtland City Council was called to order at 7:04 p.m. by Council President R. Robert Umholtz. Mr. Umholtz led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis and R. Robert Umholtz. Douglas Davidson and Donald Webbe were absent.

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 Police Chief Wayne Baumgart. Fire Captain Douglas Bode was present in the absence of Fire Chief Anthony Hutton.

PUBLIC HEARING – PROPOSED ZONING TEXT AND MAP AMENDMENTS:

Council President Umholtz opened the public hearing in this regard.

Jeff Mills, 8215 Tulip Lane, Chagrin Falls, Ohio, was present with regard to property he co-owns with his brother, Ed Mills, at the intersection of Route 6 and Route 306. Mr. Mills noted that a letter was sent to Council in this regard; Council acknowledged receipt of the letter dated June 25, 2010 from Edwin W. Mills, Jr. and Jeffrey E. Mills. Mr. Mills stated that he and his brother are requesting that Council consider extending the commercial zoning to the entire 23 acres of property that they own at the intersection, noting that they believe commercial use is the best use for the property. Mr. Mills noted that the entire 23 acres is already taxed as commercial property. He stated that he believes there would be no adverse affects to adjoining properties if the commercial use is expanded.

Planning Consultant Kenneth Crandall stated that the Planning and Zoning Commission heard comments from Mr. Mills at the Commission's public hearing, and those comments were considered by the Commission. Mr. Crandall stated that the Commission did recommend commercial expansion to the north on both sides of Chillicothe Road, noting that good zoning practice dictates that the same zoning should exist on both sides of the street. Mr. Crandall stated that Mr. Mills' entire parcel was not included in the recommendation, noting the proximity to residential areas. Noting that he understands the Commission's reasoning in its recommendation, Mr. Mills stated that he would appreciate Council's consideration of further expansion of the proposed commercial zoning.

John Shahinian, 8818 Pheasant Lane, reviewed the amended proposed rezoning for the Route 6 and Route 306 intersection. Mr. Shahinian noted that he owns an adjoining parcel to the north, six acres in size, that is not included in the proposed rezoning; he requested that consideration also be given to expanding the commercial zoning to include this additional parcel. Mr. Shahinian stated that he believes commercial use would be the best use of the property and that it would not negatively impact adjoining properties.

Discussion ensued with regard to the possibility of amending the proposed zoning for this area. Upon discussion, Council President Umholtz suggested that the public hearing be continued and the legislation be tabled in order to consider the requests submitted this evening, and to allow the ward Councilmen, as a courtesy, to contact any adjacent property owners that would be directly affected by any further amendment to the proposed rezoning.

Council President Umholtz stated that he would entertain a motion to continue the public hearing to the next regular meeting on Monday, July 12, 2010 at 7:00 p.m. Mr. Skrbis so moved, and Mr. Powell seconded. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

MINUTES OF THE JUNE 21, 2010 WORK SESSION:

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

MINUTES OF THE JUNE 21, 2010 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: 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.

Police Chief Wayne Baumgart advised that the Police and Fire Depts. monthly report for June has been distributed.

Service Administrator Carm Catania advised that the resurfacing of Route 6 has been started, and the City crews are working on the intersection of Prelog Lane and Sperry Road.

Mr. Catania noted that missing street name signs will be ordered. Mr. Umholtz noted that a "No Parking" sign is leaning against a fence on Russellhurst Extension; Mr. Catania advised that he will pick up the sign.

Councilman Schulz thanked Mr. Catania for having the construction equipment removed from the intersection of Route 6 and Tibbetts Road.

City Engineer Philip Kiefer advised that the monthly report for June has been distributed. Mr. Kiefer noted that road construction on Route 6 has begun. With regard to the sewer project, he advised that Mr. Excavator will begin dewatering, noting that well points will be marked along Route 306.

Finance Director Keith Martinet advised that the bond anticipation notes are on third reading and must be adopted tonight. Mr. Martinet stated that they will be priced by the investment bankers tomorrow and will close on July 21.

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 second session of Safety Town and graduation has been held.

Mayor Tyler stated that a meeting was held at his request with the Lake County Department of Utilities, CT Consultants, Mr. Excavator and the City of Kirtland. He stated that it was a productive meeting and that open issues were resolved, and the sewer project is proceeding.

The Mayor noted that Kirtland resident Luke Eversole achieved the rank of Eagle Scout on June 27, 2010.

Mayor Tyler requested that a work session be held on Monday, July 12, 2010, prior to the regular Council meeting.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

Council President Umholtz reported on the following:

- 1. Zoning Permit Request: **Mr. and Mrs. Lou Pugel** (parents of Annie Iskra) were present on behalf of **John and Annie Iskra** to request Council approval for the issuance of a zoning permit for Sublot 13 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. Skrbis moved to grant the approval, with the second by Mr. Powell. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: 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)

- (Third 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. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

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

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

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

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

- (Third 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.

OLD BUSINESS – ORDINANCE NO. 10-O-25 (continued):

Read by title only. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek.
ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).

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

Read by title only. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz.
ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).

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

Read by title only. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek.
ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).

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

Read by title only. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek.
ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).

OLD BUSINESS (continued):**ORDINANCE NO. 10-O-29**
(Mayor Tyler)

- (Third 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. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

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

- (Third 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. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

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

- (Third 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. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. Noting that this Ordinance and the next Ordinance are both for Service Department vehicles, Councilman Powell inquired about the difference between the two. Finance Director Martinet advised that one is new money for a new truck; the other is being paid down for an older truck. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

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

- (Third 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.

OLD BUSINESS – ORDINANCE NO. 10-O-32 (continued):

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

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

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

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

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

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

Read by title only. Mr. Skrbis moved to table the Ordinance, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

OLD BUSINESS (continued):

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

- (Third 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. Mr. Kirek moved to table the Ordinance, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

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

- (Third 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. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

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

- (Second Reading) - 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 Second Reading.

NEW BUSINESS:

None.

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 7:57 p.m.

President of Council

Clerk of Council