

KIRTLAND CITY COUNCIL MINUTES

August 24, 2009

The meeting of Kirtland City Council was called to order at 7:13 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: Royal Brettrager, Douglas Davidson, David Kirek, Timothy Powell, R. Robert Umholtz and Donald Webbe. Absent: Robert Skrbis.

Administrative personnel present were: Mayor Mark A. Tyler, Assistant Law Director Michael Germano, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

MINUTES OF THE JULY 13, 2009 WORK SESSION:

Mr. Powell moved to waive the reading of the Minutes, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. Mr. Powell moved to adopt the Minutes, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 4/0/2 (VOTING YEA: WEBBE, KIREK, POWELL AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: BRETTRAGER AND DAVIDSON).**

MINUTES OF THE JULY 13, 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 4/0/2 (VOTING YEA: WEBBE, KIREK, POWELL AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: BRETTRAGER AND DAVIDSON).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report has been distributed. Councilman Davidson commented that within the past six months, the Fire Department transported both his mother and his step-father to the hospital; and he stated his appreciation for the Department's services.

Police Chief Wayne Baumgart advised that the formal report has been distributed. Chief Baumgart reported that the individual who broke into Divine Word has been apprehended, noting that the Department worked with the Lake County Crime Lab. Chief Baumgart advised that the Department also worked closely with Geauga County with regard to another break-in, resulting in an arrest.

Referring to the recent notice from the Division of Liquor Control concerning expiration of liquor permits, Chief Baumgart advised that he checked the list of current permit holders and that there are currently no problems with regard to any of the permit holders.

Chief Baumgart stated that he will be participating in a walk this weekend to raise funds for the National Alliance for Mental Illness (NAMI), noting that donations can be made online.

Service Administrator Carm Catania did not present a formal report. Councilman Kirek commended Terry Nicholson of the Service Department, noting that during Mr. Catania's vacation, Mr. Nicholson did a great job taking care of various issues.

Councilman Webbe noted that Mr. Murch of Sperry Road has conveyed his satisfaction with the work at the Route 6 and Route 306 intersection.

DEPARTMENT REPORTS (continued):

Responding to Councilman Powell with regard to a damaged headwall on Route 6, Mr. Catania advised that the headwall needs to be replaced and some repairs are needed. Councilman Powell requested that Mr. Catania contact the principal parties involved when repairs are ready to begin.

Sterling Coleman, 7636 Markell Road, inquired about the status of the traffic lights at the Lakeland Community College entrance. Mr. Catania advised that they are waiting for delivery of the mast arm poles; he noted that he will get an update on the progress.

Council President Umholtz read correspondence thanking the City and the Service Department for work performed on Longview; and correspondence addressed to the Mayor commending the Service Department for filling in ditches on West Alpine Drive. Mr. Catania stated that he will pass these letters of thanks to the Service Department personnel.

City Engineer Philip Kiefer advised that the monthly report for July has been distributed. Mr. Kiefer reported that during Council's recess, only one new house permit was issued; he noted that Council approval was not required since it was on a dedicated street.

Mr. Kiefer advised that the City received notice that the flood plain maps that were on display last year have been accepted; he noted that the City will need to update the flood plain regulations.

Councilman Davidson inquired whether a plan has been prepared for additional parking at the recreation park. Mr. Catania advised that Larry Spence drew a rough sketch, noting that approximately 20 spaces may be added. Noting that this was not in the budget, Mr. Catania stated that he will discuss this with the Mayor once he prepares a detailed sketch and projected costs.

Assistant Law Director Michael Germano did not give a formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler advised that he attended the NOACA Board meeting on August 14, 2009, noting that one of the presenters was the District Deputy Director for ODOT, who will be presenting again on Wednesday, August 26, 2009 at Lake Farmpark with regard to various ODOT projects.

Mayor Tyler reported that the City has unveiled its new website, noting that a brief presentation will be provided to Council, tentatively on September 9, 2009.

The Mayor noted that Cemetery Board member Barbara Walden will be leaving the City, noting that her husband has been relocated.

Mayor Tyler noted that residents should contact Waste Management directly for bulk rubbish pick-up.

The Mayor noted that the City will sponsor a "shred day" for Kirtland residents on October 3, 2009, from 9:00 a.m. until 12:00 noon, at the Community Center. He advised that up to four bankers' boxes will be accepted from any resident, noting that identification will be required.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Tyler advised that NOPEC has changed its electric supplier – it is now GEXA Energy. He noted that it is an opt-out program, and residents do not need to take any action if they wish to remain with NOPEC.

Mayor Tyler advised that future updates will be available with regard to the H1N1 virus.

Mayor Tyler requested a brief executive session following Council's regular business to discuss contract negotiations and a legal matter.

STANDING COMMITTEE REPORTS:

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

CORRESPONDENCE:

Council President Umholtz reported on the following:

1. Brochure from Ohio Municipal League regarding the annual conference to be held on September 30 through October 2, 2009 in Columbus. Mr. Umholtz noted that conference information is available if any Council members are interested in attending.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road, advised that he recently had his license plates renewed for his vehicles and that the taxing district was indicated as Waite Hill. Mayor Tyler advised that the taxing district should be Kirtland, since he is a Kirtland resident. Mr. Coleman stated that he will have it corrected.

Jim Egensperger, 9296 Regency Woods Drive, addressed Council with regard to his concerns about speeding traffic on Regency Woods Drive. Mr. Egensperger stated that he lives four houses from the intersection of Kirtland-Chardon Road, and that vehicles are often traveling 40 to 50 m.p.h. on Regency Woods Drive by the time they reach his house. Mr. Egensperger stated that he previously spoke with the Police Chief in this regard, noting that there have been some patrol cars in the area, but not often enough or during peak traffic hours. Mr. Egensperger stated that he volunteers his driveway apron for use by the patrol cars.

Police Chief Baumgart advised that this area is on the list for directed patrol, meaning that the patrol car will sit still for a while monitoring the traffic.

Councilman Powell noted that Kirtland Hills is using a stationary speed sensor. Chief Baumgart noted that Kirtland has borrowed these from Highland Heights and from Gates Mills. He noted that the Police Department has applied for a grant for this purpose, but no grants are available in Lake County due to the low number of highway deaths. Councilman Powell suggested that the Police Department consider borrowing one of these devices again.

Mayor Tyler advised that the Police Department will monitor the area. Council President Umholtz thanked Mr. Egensperger for bringing this to Council's attention.

OLD BUSINESS:

ORDINANCE NO. 09-O-37
(Council President Umholtz)

- (Tabled) - AN ORDINANCE AMENDING
CHAPTER 1290 OF THE CODIFIED
ORDINANCES OF THE CITY OF KIRTLAND,
RELATING TO FENCES.

The legislation remains tabled.

NEW BUSINESS:

None.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURN INTO EXECUTIVE SESSION (7:44 P.M.):

Mr. Webbe moved to adjourn into executive session to discuss contract negotiations, pursuant to Article 1, Section 7(d) of the City Charter; and to discuss a legal matter, pursuant to Article 1, Section 7(c) of the City Charter. Mr. Powell provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: WEBBE, BRETTTRAGER, DAVIDSON, KIREK, POWELL AND UMHOLTZ. VOTING NAY: NONE).**

RETURN TO REGULAR SESSION (7:57 P.M.)

Mr. Webbe moved to adjourn the executive session, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. Immediately thereafter, Mr. Webbe moved to reconvene the regular session, with the second by Mr. Kirek. 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. Kirek. The motion of Council passed by unanimous vote. The time was 7:58 p.m.

President of Council

Clerk of Council