

KIRTLAND CITY COUNCIL MINUTES

August 31, 2009

The meeting of Kirtland City Council was called to order at 7:06 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, Robert Skrbis, R. Robert Umholtz and Donald Webbe.

Administrative personnel present were: Mayor Mark A. Tyler, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

MINUTES OF THE AUGUST 24, 2009 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 6/0/1 (VOTING YEA: WEBBE, BRETTRAGER, DAVIDSON, KIREK, POWELL AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

MINUTES OF THE AUGUST 24, 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 6/0/1 (VOTING YEA: WEBBE, BRETTRAGER, DAVIDSON, KIREK, POWELL AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report and no questions were asked of him.

Police Chief Wayne Baumgart did not give a formal report and no questions were asked of him.

Service Administrator Carm Catania did not present a formal report. Councilman Powell stated that neighboring residents have voiced concerns about a house on Raccoon Hill, including tires for sale in the front yard. Mr. Catania advised that he will look into this matter.

With regard to property south of the blacksmith shop, Councilman Davidson noted there is a pick-up truck loaded with junk parked on the property. Mr. Davidson noted that the license plate is not expired. Mr. Catania stated that he will look into this matter, noting that the blacksmith shop is being remodeled. Fire Chief Hutton noted that there was a fire in the house about six weeks ago.

Councilman Skrbis inquired whether the lighting at New Promise Church conforms to the ordinances. Mr. Catania noted that, using a light meter, there was zero candle power measured from the porch of the neighbors (Mr. and Mrs. Green) across Euclid-Chardon Road; however there was still reflection of the light inside the house. Mr. Catania noted that the church shielded the security lighting on the building and the lights by the sign. Mr. Catania noted that Mr. and Mrs. Green stopped at his office and indicated that they are happy with what has been done, but they would like the lights toned down a little bit more. Mr. Catania stated that he will follow up with the pastor.

Responding to Councilman Skrbis, Mr. Catania advised that he has not received any recent complaints from Crary Lane residents, noting that the parking lot lights are not being left on all night.

DEPARTMENT REPORTS (continued):

Councilman Skrbis inquired whether there are any restrictions on owning chickens, noting that he has received calls about a resident in Rocking Horse Farms that has chickens and roosters on his property. Mr. Catania advised that agricultural use is permitted in any zoning district, although there may be some recourse if there is noise. Mr. Catania stated that he will look into this. He noted that there may be deed restrictions prohibiting such use, but the City cannot enforce them.

Responding to Councilman Davidson with regard to a drainage issue on a Chillicothe Road property, Mr. Catania stated that he left a telephone message for the property owner and that he will follow up on the matter.

City Engineer Philip Kiefer did not present a formal report and no questions were asked of him.

Finance Director Keith Martinet advised that the July financial statements have been prepared and will be distributed later this week.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler offered congratulations to Bud Martello of the Lake County Gazette on the celebration of his 50th wedding anniversary.

Mayor Tyler advised that a website presentation will be given next week during the Council meeting.

The Mayor noted that a community "shred day" is scheduled for Saturday, October 3, 2009 from 9:00 a.m. until 12:00 noon at the Community Center. He stated that residents can bring up to 4 banker's boxes of material.

Mayor Tyler advised that the Temple View pump station bid opening will be held on Friday, September 4, 2009 at 12:00 noon in Council Chambers.

Mayor Tyler requested an executive session following Council's regular business to discuss contract negotiations.

Mayor Tyler stated that he has invited Barbara Walden to attend tonight's meeting, noting that she will be relocating out-of-state. Mayor Tyler welcomed Mrs. Walden and requested that she come forward to receive a Mayoral proclamation acknowledging her accomplishments as the Historic Site Director for the Kirtland Temple and commending her for her service on the Cemetery Board of Trustees. Mayor Tyler read the proclamation in its entirety and offered his congratulations. The Mayor presented the proclamation to Mrs. Walden, and she received the applause of all those present.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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 (7:24 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. Mr. Brettrager provided the second. The motion of Council passed by unanimous vote.

RETURN TO REGULAR SESSION (7:45 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 7:46 p.m.

President of Council

Clerk of Council