

KIRTLAND CITY COUNCIL MINUTES

April 18, 2011

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

Administrative personnel present were: Mayor Mark A. Tyler, Law Director Daniel Richards, Finance Director Keith Martinet and Service Administrator Carm Catania. Capt. Douglas Bode was present in the absence of Fire Chief Hutton.

KIRTLAND SCHOOL DISTRICT LEVY PRESENTATION:

Debbie Herrmann, Kirtland School District Treasurer, introduced herself and Steven Barrett, the newly appointed superintendent who will be officially taking over in August. Ms. Herrmann distributed to Council members and Administration a fact sheet with regard to the permanent improvement levy renewal. She stated that every five years the voters are asked to renew a permanent improvement levy, which can be used only for capital improvements – infrastructure, buses, textbooks, items that have a useful life of more than five years. Ms. Herrmann stated that it is a 1.1 mill levy that is being collected at .71, bringing in approximately \$240,000 per year for the district. Ms. Herrmann noted that it is anticipated that the Kirtland School District will lose approximately \$611,000 in State funding next year.

Steven Barrett thanked Council for the opportunity to speak tonight. Noting that Kirtland is facing a 46 percent cut in State funding, Mr. Barrett stressed the importance of this permanent improvement levy renewal. Ms. Herrmann stated that Kirtland is receiving \$336,000 in tangible property reimbursement this year; it will be \$85,000 next year, and in 2013 it will be zero. Ms. Herrmann requested that Council consider passing a resolution of endorsement. She stated that information will be sent to residents in the next week, noting that it would be helpful to have City Council's endorsement of the levy.

Councilman Davidson wished Mr. Barrett the best in his new position and a long and successful tenure.

Noting that Council has historically supported the School levies, Councilman Powell inquired of the Law Director whether Council could offer endorsement in the form of an oral vote since there is not sufficient time to place a formal resolution on the agenda before the election. Mr. Richards advised that it would be acceptable to express the endorsement and convey the intent of City Council in the minutes rather than by a formal resolution.

Mr. Powell made a motion in support of the Kirtland Schools Permanent Improvement Levy Renewal (Issue 1). Mr. Skrbis provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

MINUTES OF THE APRIL 4, 2011 WORK SESSION:

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

MINUTES OF THE APRIL 4, 2011 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Captain Douglas Bode did not present a formal report. Council President Umholtz stated that, on behalf of some Russellhurst Drive residents, he would like to thank the Fire Department and the Service Department for taking care of an unsightly situation recently; he also expressed his appreciation to the Mayor.

Councilman Davidson stated that while attending a girls' softball game on Friday, the Police Department responded to a non-emergency call made by a concerned parent; he noted that they responded quickly and addressed the issue, and he commended Sgt. Andolsek in this regard.

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

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

Law Director Daniel Richards gave no formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler stated that following the last Council meeting, he went to a meeting at the Kirtland Schools to meet Steve Barrett, the new superintendent, and welcome him to the community.

Mayor Tyler stated that a construction meeting for the sewer project was held on April 5; noting that the project is progressing well. The Mayor noted that he would like to have a work session in May to discuss the status of both sewer projects.

Mayor Tyler stated that he attended a NOACA meeting on April 8, as well as the Lakeland Community College Scholarship Donor breakfast. He noted that it was announced at the breakfast that the new University Center will be named the Arlene and Arthur Holden University Center, and there will be collaboration with nine or ten different four-year colleges.

The Mayor noted that he performed a wedding on Friday for some local residents.

The Mayor stated that the Easter egg hunt on Saturday was a success, noting that there was a pancake breakfast and many crafts. He noted that a good time was had by all.

Councilman Davidson inquired of Mr. Catania whether the addition of the University Center to the sewer will affect the cost to the other property owners. Mr. Catania responded that it will not affect the cost to others.

Councilman Davidson noted that the Scout Troop 286 leaders would like to take care of the flag placement on May 28; he inquired if that date would be acceptable. Mr. Catania responded affirmatively.

STANDING COMMITTEE REPORTS:

With regard to the noise ordinance, Councilman Powell noted that there have been some situations where residents' parties have been shut down because of the way the noise ordinance is written. Mr. Powell stated that the Planning and Zoning Commission has been looking at the noise ordinance, but the Commission members suggested that this ordinance should be addressed by Council, with recommendations from the Police Department. Mr. Powell requested that the Mayor ask the Police Chief to review the noise ordinance and make a recommendation with regard to rules and regulations. Mr. Powell stated that he would like to be able to work with the residents and give them the opportunity to hold occasional parties. Mayor Tyler stated that he will ask the Police Chief to review the noise ordinance and follow-up with Councilman Powell, as Chairman of the Planning & Zoning Standing Committee, and with Council President Umholtz.

Noting that problems develop when trying to ascertain noise levels, Council President Umholtz inquired whether the Police Chief and the Mayor, as Safety Director, could develop a policy that can be followed for upcoming graduation parties. Mayor Tyler advised that there is a consistent policy, noting that the Department keeps records of phone calls and the number of times officers visit a property. Mr. Umholtz noted that it would be helpful if the officer could hand the resident a written policy when responding to a noise complaint.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road, commented on the review of the noise ordinance and recommended that the City consider providing for measurement of the sound levels; otherwise it is difficult to enforce.

OLD BUSINESS:

RESOLUTION NO. 11-R-12
(Mayor Tyler)

- (Third Reading) - **A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE MAY 31, 2011 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only. Mr. Schulz moved to adopt, with the second by Mr. Webbe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

OLD BUSINESS (continued):**ORDINANCE NO. 11-O-13**
(Council President Umholtz)

- (Third Reading) - AN ORDINANCE AMENDING SECTION 1286.08(b)(4) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO RESIDENTIAL IDENTIFICATION MONUMENT SIGNS.

Read by title only. Mr. Powell moved to adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

NEW BUSINESS:**RESOLUTION NO. 11-R-16**
(Mayor Tyler)

- A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 30, 2011 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on First Reading. Finance Director Martinet advised that this transfer of funds relates to the Issue 2 monies that are paid each year; he noted that the transfer of funds legislation adopted tonight relates to the long-term bonds.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Powell inquired about the status of the property on Route 6 owned by Club Molisani. Mr. Catania advised that the property is up for auction, and that the auctioneer has been informed that it is residential property, and not commercial property. Responding to Mr. Powell with regard to the use of the property, Mr. Catania stated that unless the same use is continued, it will need to be reviewed by the Planning and Zoning Commission as a change of use. Mr. Catania stated further that if the use is changed, it must conform to the residential zoning. Council President Umholtz noted that the liquor permit is advertised for sale with the property. Mr. Catania noted that it is his understanding that Council will be notified and given the opportunity to request a hearing if there is to be a transfer of the liquor permit.

Councilman Davidson noted that Bill Wright put together a Kirtland veterans book that includes some dramatic stories of the service records of those individuals. Mr. Davidson noted that he can get a copy of the book if anyone is interested and has not received a copy. Mayor Tyler noted that Bill Wright and some of the Kiwanians have been working on this book for many years. Mayor Tyler noted that it is a very good book, and that a lot of time and effort was put into it. Responding to Councilman Schulz, Mayor Tyler stated that he find out whether the book is available in the Kiwanis room at the Kirtland Library.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Davidson moved to adjourn, with the second by Mr. Webbe. The motion of Council passed by unanimous vote. The time was 7:30 p.m.

President of Council

Clerk of Council