

## KIRTLAND CITY COUNCIL MINUTES

May 4, 2011

The meeting of Kirtland City Council was called to order at 7:10 p.m. by Council President R. Robert Umholtz. Mr. Skrbis led the prayer which followed the Pledge of Allegiance. The members of Council present were: Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis and R. Robert Umholtz. Donald Webbe arrived shortly after the meeting commenced.

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 APRIL 18, 2011 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 5/0/1 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, DAVIDSON AND POWELL. VOTING NAY: NONE. ABSTAINING: KIREK).**

### DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report has been distributed.

Police Chief Wayne Baumgart noted that the monthly report has been distributed. Chief Baumgart announced that Gunnery Sergeant Michael Valenti will officially return to work on May 15; and he is present at tonight's meeting and would like to make a presentation.

Gunnery Sergeant Valenti thanked Council for allowing him to speak; he stated that he would like to show his appreciation and gratitude to the City of Kirtland and to Chief Baumgart for the support that he received during his career serving in the Marine Corps and allowing him the flexibility and the opportunity to be deployed. He acknowledged the support he received from the Kirtland Kiwanis, Kirtland Fire Department, Kirtland Police Department, dispatchers, residents and Golden Living Center; noting that they sent care packages and needed supplies. He stated that the supplies helped many of the children, noting that it is a very poor country.

Gunnery Sergeant Valenti presented an American flag to the City; he read the Certificate of Authenticity, certifying that the flag was flown in Afghanistan on behalf of the City of Kirtland. He presented the flag to the Mayor on behalf of the City of Kirtland.

Acknowledging Chief Baumgart personally, Gunnery Sergeant Valenti presented him with an American flag, also with a Certificate of Authenticity. He stated that the Chief has always been very supportive, noting that he is veteran of the United States Army, and he is a great mentor.

Chief Baumgart presented Gunnery Sergeant Valenti with a pin for his police uniform, along with a pin and patches framed for hanging; and he presented flowers to Gunnery Sergeant Valenti's wife. Chief Baumgart announced that Sergeant Valenti will be speaking at the Memorial Day services on the day before he retires from the U. S. Marine Corps.

Mayor Tyler stated that he is grateful that Gunnery Sergeant Valenti is back home, and he offered his congratulations.

**DEPARTMENT REPORTS (continued):**

Council President Umholtz stated that there are a number of veterans present, noting that close friendships are developed in the military. Mr. Umholtz expressed appreciation and gratitude to Gunnery Sergeant Valenti, who received the warm applause of all those present.

**Service Administrator Carm Catania** reported that Route 6 will be reduced to one lane on Monday for the Route 6 and Sperry Road intersection project. He advised that the temporary widening will be completed tomorrow, it will be closed off with cones on Monday, the barrier wall will be delivered on Tuesday and excavation should begin on Wednesday of next week. Responding to Councilman Schulz, Mr. Catania stated that the total project will take approximately eight weeks.

Councilman Skrbis inquired about redirecting of traffic. Mr. Catania advised that Sperry Road will be closed to through traffic in both directions between Route 6 and Billings Road, noting that Sperry Road traffic will be detoured. Noting that the detour signs are already in place, Mr. Catania stated that they will be uncovered on Monday.

With regard to a property on Joseph Street that was previously a concern, Councilman Davidson stated that he was contacted by a Joseph Street resident who has noted increased activity on the property, including commercial trucks. Mr. Catania stated that he is watching the property and has asked the police to check the license plates on the vehicles several times.

Councilman Powell stated that a resident, Mr. Bestgen, expressed his thanks to the Service Department for addressing a recent issue.

With regard to flooding concerns in the back yards of some Russellhurst Drive properties, Council President Umholtz inquired about the status. Mr. Catania stated that he will visit the properties with the City Engineer.

**City Engineer Philip Kiefer** advised that his monthly report has been distributed.

**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 the monthly construction progress meeting was held with regard to the sewer project, noting that another meeting is scheduled in two weeks.

Mayor Tyler stated that a Chinese delegation visited the City of Kirtland recently, with an interpreter, noting that they were visiting Lakeland Community College on a college exchange program. The Mayor noted that they presented the City with a painting done by a local artist, which he showed to Council. He noted that it was an enjoyable visit.

The Mayor commented on the recent storm, noting that the Service Department and Fire Department did an outstanding job of clearing the roads of downed trees and wires.

The Mayor noted that Bill Murphy passed away; the funeral is on Monday.

Noting that yesterday was Election Day, Mayor Tyler congratulated the Kirtland Local Schools on the passage of the renewal levy.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

Mayor Tyler stated that he attended the Kiwanis Scholarship Committee meeting last night, noting that they will be presenting five scholarships.

The Mayor noted that a staff meeting was held this evening prior to the Council meeting; and he acknowledged that the Council President has requested a work session prior to the next Council meeting.

Councilman Kirek noted that he was contacted by a Kirtland-Chardon Road resident who has concerns about speeding traffic on Kirtland-Chardon Road. Mayor Tyler noted that he will discuss this with the Police Chief.

Responding to Councilman Powell, Mayor Tyler stated that he will discuss the noise ordinance with the Police Chief.

Councilman Davidson stated that several months ago Larry Masek, a long-time Kirtland resident, passed away. Noting that the Masek property is for sale and is adjacent to the existing Recreation Park, Mr. Davidson inquired whether the Administration has had an opportunity to revisit the acquisition of that parcel. Noting that he was contacted by the family, Mayor Tyler stated that this was discussed with Administration and the Council President. The Mayor stated that although it was worth consideration, it was determined that the City is not in a position to move forward at this time. Referring to the twenty acres of property on Route 6 owned by the City, Mr. Davidson inquired whether the City would be better off developing that property or investing in property adjacent to the existing Recreation Park; he suggested that this could be discussed at a future Council work session. Referring to the budget proposed to Council, Mayor Tyler stated that monies are provided in the five-year plan for development of the Route 6 recreation property; he noted that any changes can be discussed with Council.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

None.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

None.

**OLD BUSINESS:**

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

- (Second Reading) - 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 Second Reading.

**NEW BUSINESS:****RESOLUTION NO. 11-R-17**  
(Mayor Tyler)

- **A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW PROJECT #300; GENERAL OBLIGATION BOND FUND #600; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JULY 15, 2011 TO GENERAL OBLIGATION BOND FUND #600; GENERAL FUND #100; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**

Read by title only and placed on First Reading.

**RESOLUTION NO. 11-R-18**  
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE NEW LAKE COUNTY 800 MHZ RADIO EQUIPMENT FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Read by title only. Mayor Tyler noted that this resolution can proceed to Second Reading.

Responding to Councilman Schulz, Chief Baumgart advised that the old equipment will be traded in, allowing the City to receive a rebate on some of the equipment purchase.

Councilman Schulz inquired whether it is anticipated that the headset interface devices will be needed, noting that they are not included in the purchase price. Chief Hutton replied that those devices were not specified when the grant was written, and they will have to be requested in order to be purchased through the grant. Chief Hutton noted that prices were less than expected, and there should be some money left to put toward those devices.

The legislation was placed on First Reading.

**RESOLUTION NO. 11-R-19**  
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.**

Read by title only. Noting that there is a deadline involved, Mayor Tyler requested that Council waive the three readings and adopt this legislation tonight as an emergency. Councilman Schulz reported that the news from Columbus is that the "buy Ohio" clause will not be supported as it has in the past, so more bidders are expected, hopefully resulting in a better price for the rock salt.

Mr. Webbe moved to waive the three readings, with the second by Mr. Kirek. Responding to Council President Umholtz, Councilman Schulz stated that he will abstain from voting on this legislation due to his employment with the Ohio Department of Transportation. Councilman Davidson inquired whether the purchase of the sodium chloride in this resolution will be at the same price as last year or the existing year. Mr. Catania advised that the prices are not yet known; this agreement is to participate in the program. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Davidson moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, DAVIDSON, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Council President Umholtz stated that he would like to schedule a work session prior to the next Council meeting to discuss a proposed ordinance, presented by Councilman Schulz, regarding the prohibition of text messaging while driving. He noted that the issue of ward boundaries also needs to be discussed; he requested that the Clerk provide Council members with a copy of a letter recently received from the Board of Elections.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Kirek moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. The time was 7:43 p.m.

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President of Council

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Clerk of Council