

KIRTLAND CITY COUNCIL MINUTES

July 6, 2011

The meeting of Kirtland City Council was called to order at 7:09 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, Matthew Schulz, Robert Skrbis, R. Robert Umholtz and Donald Webbe. Absent: David Kirek and Timothy Powell.

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

PUBLIC HEARING – ORDINANCE NO. 11-O-38 RELATING TO ZONING TEXT CORRECTIONS:

Council President Umholtz opened the public hearing in this regard. There were no public comments or questions, and the public hearing was concluded with the consent of Council.

MINUTES OF THE JUNE 20, 2011 WORK SESSION:

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

MINUTES OF THE JUNE 20, 2011 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart stated that the monthly report has been distributed. Chief Baumgart advised that the Police Department received a few calls regarding noise complaints over the July 4th holiday, but there were very few complaints this year.

City Engineer Philip Kiefer commended Service Administrator Carm Catania with regard to the Route 6 and Sperry Road intersection project and the handling of traffic during construction.

In the absence of the Service Administrator, Councilman Skrbis inquired whether Mr. Kiefer had any information with regard to the large mound on Mr. Excavator's property, noting that Mr. Catania was going to follow-up on this. Mr. Kiefer stated that he has not discussed this with Mr. Catania.

Councilman Schulz advised that there is a luminaire out at 9913 Chillicothe Road; he noted that the entire fixture is missing. Mayor Tyler advised that there is a list of street lights (approximately five in number) that the City is looking to First Energy for repair. The Mayor noted that this light will be added to the list if it is not already included.

DEPARTMENT REPORTS (continued):

Finance Director Keith Martinet advised that he and the Mayor met with Huntington last week regarding the Moody's bond rating, and that the City should be getting a MIG-1 rating, which is the best short-term rating possible. He advised that this is equivalent to an A-1 rating, and it is the same rating that the City received last year.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler stated that he attended the second Safety Town graduation on June 24, noting that the ceremony was well attended. The Mayor stated that Safety Town is a great program, noting that it was renamed several years ago as a legacy to Police Officer Mickey Beall.

With regard to the Route 6 and Sperry Road intersection project, Mayor Tyler stated that the work is complete and that he has received positive feedback from some of the residents; he noted that there are some minor issues being addressed.

Mayor Tyler stated that he received the paperwork for the Tibbetts Road project for OPWC, noting that this will be the next upcoming road project.

Mayor Tyler stated that he is pleased with the bond rating that the City received.

Councilman Skrbis stated that he received a call from Mrs. Dudich, a resident on Bridlehurst Trail, who advised that she and several other residents are concerned about the appearance of the Route 6 and 306 intersection. Mr. Skrbis suggested that the City look into cleaning up this intersection, which would benefit the value of surrounding properties. Mayor Tyler advised that this intersection is included in the long-term plan and was a part of the last zoning referendum. The Mayor noted that he also received a few telephone calls this week with regard to the intersection, and that he will ask Mr. Catania to determine whether there are any exterior maintenance code violations that need to be addressed. Mayor Tyler noted that there has been some interest expressed concerning one of the properties at the intersection.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Morris Everett, 8180 Monterey Drive, stated that he has lived in Kirtland since 1967, and his wife Diana (also present) has lived in Kirtland since 1975. He stated that he owns the Last Moving Picture Company at Route 6 and 306, next to Countryside Florist, noting that he has been in that location for 14 years. Mr. Everett addressed Council with regard to the appearance of the Route 6 and 306 intersection. He noted that there is a lot of traffic passing through the intersection every day, and that the area seems to be the forgotten part of Kirtland. Mr. Everett stated that there is new construction next to Bertha's Gallery, and

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

that there are approximately eight viable businesses very close to the intersection, and it needs to be cleaned up. Mayor Tyler advised that the City will follow-up on this, noting his agreement that this is a very visible intersection and it is not reflective of the rest of the City. The Mayor and Council President thanked Mr. and Mrs. Everett for attending the meeting and addressing Council in this regard.

OLD BUSINESS:

RESOLUTION NO. 11-R-24 - (Third Reading) - **A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2012.**
(Mayor Tyler)

Read by title only. Mr. Webbe moved to adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

ORDINANCE NO. 11-O-25 - (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.**
(Mayor Tyler)

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

ORDINANCE NO. 11-O-26 - (Third Reading) - **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$360,000 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. Skrbis moved to declare an emergency and adopt, with the second by Mr. Webbe. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

OLD BUSINESS (continued):

ORDINANCE NO. 11-O-27
(Mayor Tyler)

- **(Third Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$350,000 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.**

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

ORDINANCE NO. 11-O-28
(Mayor Tyler)

- **(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 SR 306 AT LAKELAND COMMUNITY COLLEGE BY RECONSTRUCTING AND IMPROVING TURN LANES IN COOPERATION WITH THE CITY OF WILLOUGHBY, AND DECLARING AN EMERGENCY.**

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

ORDINANCE NO. 11-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. Skrbis moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

ORDINANCE NO. 11-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.**

OLD BUSINESS – ORDINANCE NO. 11-O-30 (continued):

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

ORDINANCE NO. 11-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. Schulz moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

ORDINANCE NO. 11-O-32
(Mayor Tyler)

- (Third Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$95,000 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.

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

ORDINANCE NO. 11-O-33
(Mayor Tyler)

- (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, SR 306 AT LAKELAND COMMUNITY COLLEGE BY INSTALLING TRAFFIC SIGNALIZATION, AND DECLARING AN EMERGENCY.

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

OLD BUSINESS (continued):

ORDINANCE NO. 11-O-34
(Mayor Tyler)

- (Third Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$75,000 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. Schulz moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

ORDINANCE NO. 11-O-35
(Mayor Tyler)

- (Third Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$75,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING EMERGENCY RADIO EQUIPMENT FOR USE BY THE CITY'S POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

ORDINANCE NO. 11-O-38
(Council President Umholtz)

- (Second Reading) - AN ORDINANCE AMENDING §1246.07, §1262.03(d), §1268.04(l), §1285.06(b), §1286.09, §1286.11(a), §1288.09, §1288.12 AND §1290.02(d) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, TO CORRECT ZONING DISTRICT REFERENCES TO PROVIDE CONSISTENCY WITH ZONING AMENDMENTS APPROVED BY THE ELECTORATE IN NOVEMBER OF 2010.

Read by title only and placed on Second Reading.

RESOLUTION NO. 11-R-41
(Mayor Tyler)

- (Second Reading) - A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO TRADE OR SELL UNUSED, CONFISCATED AND OTHER FIREARMS TO STANDARD LAW POLICE SUPPLY, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

NEW BUSINESS:

None.

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

With regard to the topic addressed by the residents earlier in the meeting (Route 6 and 306 intersection), Councilman Davidson stated that he believes the City should look at the Community Reinvestment Act as a development tool, based on Council's and Administration's desires regarding development of these properties. Mr. Davidson suggested that this could be addressed by a standing committee or committee of the whole, or by the administration. Mr. Davidson stated that he hopes this can be revisited at a later time. Noting that this should be referred to the Planning and Zoning Standing Committee, Council President Umholtz stated that he will discuss this with Councilman Powell, the Committee chairman. Mayor Tyler stated that the City is in the process of reviewing the comprehensive plan, noting that this will be sent to Council for further review at the appropriate time during the review process.

PUBLIC COMMENTS:

None.

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Noting that Council needs to review the compensation for the Mayor, Safety Director and Service Director, Council President Umholtz inquired whether Council should adjourn to executive session. It was noted that all Council members should be present at the next meeting (on July 11); and it was agreed that a work session be scheduled prior to the meeting to discuss this matter. Responding to inquiries regarding when this legislation would need to be passed, Mr. Germano advised that the legislation must be in effect before the election.

Councilman Skrbis suggested that Council look at the Finance Director's salary as well. Mayor Tyler noted that typically, compensation for the Finance Director, Law Director and City Engineer are addressed at the same time; he advised that he will provide information to Council at the work session regarding the current compensation for these positions.

ADJOURNMENT:

Mr. Davidson moved to adjourn, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote. The time was 7:35 p.m.

President of Council

Clerk of Council