

KIRTLAND CITY COUNCIL MINUTES

February 23, 2011

The meeting of Kirtland City Council was called to order at 7:03 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, David Kirek, Timothy Powell, Matthew Schulz, R. Robert Umholtz and Donald Webbe. Absent: Robert Skrbis.

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

PRESENTATION OF MAYORAL PROCLAMATION

Mayor Tyler requested that Carole Clutter come forward, noting that she has been named "Citizen of the Year" by the Kirtland Kiwanis Club. Mayor Tyler read the proclamation in its entirety and presented it to Mrs. Clutter. Mrs. Clutter expressed her gratitude, and she received the applause of all those present and the congratulations of the Mayor and Council.

MINUTES OF THE JANUARY 19, 2011 COMBINED MEETING:

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

MINUTES OF THE FEBRUARY 7, 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 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart stated that the City will be receiving a NOPEC grant in the amount of \$55,000 to purchase the police radios. Chief Baumgart expressed his gratitude to Michelle Hauser, noting that she did a great job with the grant application.

Service Administrator Carm Catania did not present a formal report. Councilman Schulz commented that the Tibbetts Road street sign is down. Mr. Schulz also stated that he received a complaint regarding the house next to Angelo's Pizza, noting that a tree fell against the house. Mr. Catania stated that he will send a letter to the property owner in this regard.

City Engineer Philip Kiefer stated that he received some questions from Councilman Schulz with regard to Ordinance No. 11-R-3. Mr. Kiefer noted that he has responded to the questions in writing, and he provided a copy of the questions and responses to each Council member.

DEPARTMENT REPORTS (continued):

Finance Director Keith Martinet advised that a post-audit conference was held with the State of Ohio for the year ending 2009 and that a report will be issued within the next couple weeks.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler advised that, as mentioned by Chief Baumgart, the City received a \$55,000 grant from NOPEC, noting that a confirmation letter will soon be received. The Mayor stated that this is in addition to the \$155,000 Assistance to Firefighters Grant, noting that these grants will be applied to the City's cost of \$285,000 for the radio system. Mayor Tyler stated that the City continues to pursue additional funding sources.

Mayor Tyler stated that he reviewed the budget with Councilman Kirek, Finance Committee Chairman, noting that the budget will be discussed in the Finance Committee meeting following the regular Council meeting.

The Mayor noted that a meeting was held with CT Consultants on February 19, 2011 to review outstanding projects.

STANDING COMMITTEE REPORTS:

As Chairman of the Planning and Zoning Standing Committee, Councilman Powell commented on the Planning and Zoning Commission's considerable agenda at the February meeting. He noted that Council received copies of correspondence relating to the Commission's approval of requests. With regard to approval of a new building at the top of the hill, Councilman Powell commented on the Commission's preliminary and final approval with only two conditions, in such a short period of time.

Noting that the Planning and Zoning Commission approved a sign permit for a business known as "Relaxation Unlimited", Council President Umholtz inquired about the business. Fire Chief Hutton stated that the business provides chair massages and herbal type remedies; he noted that it promotes holistic treatments. Mr. Catania stated that the business is operated by a husband and wife; he noted that the business has been open for a while, but they are now requesting a sign permit. Mr. Catania stated that it is a reputable business.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 11-O-1
(Council President Umholtz)

- **(Third Reading) - AN ORDINANCE REPEALING CODIFIED ORDINANCE CHAPTERS 1260, 1262, 1278 AND 1280; AND ENACTING CODIFIED ORDINANCE CHAPTERS 1260, 1261, 1262, 1284 AND 1296 OF THE CITY OF KIRTLAND.**

OLD BUSINESS – ORDINANCE NO. 11-O-1 (continued):

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

ORDINANCE NO. 11-O-2 - (Third Reading) - **AN ORDINANCE TO UPDATE THE STORMWATER ORDINANCES OF THE CITY OF KIRTLAND PURSUANT TO RENEWAL OF THE OHIO EPA MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT.**
(Council President Umholtz)

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

RESOLUTION NO. 11-R-3 - (Third Reading) - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR STORMWATER MANAGEMENT SERVICES WITH THE BOARD OF LAKE COUNTY COMMISSIONERS.**
(Mayor Tyler)

Read by title only. Councilman Schulz stated that he had a brief conversation with the Mayor and sent some questions to the City Engineer with regard to this legislation, noting that copies of Mr. Kiefer's responses were distributed to Council. Mr. Schulz stated that he wanted to make Council aware of the unfunded mandates and that there will be costs in the future. Councilman Powell thanked Mr. Schulz for looking into this, noting that Council looked at this very closely at its inception. Responding to Councilman Webbe, Mayor Tyler stated that the City previously entered into a Memorandum of Understanding for the Level II stormwater services; he noted that this has been a good fit for the City and takes care of some of the burden for the day-to-day activities. The Mayor noted that the City can request funding to handle some unique stormwater runoff issues. Mayor Tyler recommended that the City again enter into an agreement for Level II services. Mayor Tyler thanked City Engineer Kiefer for the timely response to the questions raised by Councilman Schulz.

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

NEW BUSINESS:

RESOLUTION NO. 11-R-6 - **A RESOLUTION COMMENDING WILLIAM E. LIDDY FOR HIS DEDICATED SERVICE TO THE CITY OF KIRTLAND ON THE CEMETERY BOARD OF TRUSTEES.**
(Mayor and Council)

The Resolution was read in its entirety by Council President R. Robert Umholtz. Mr. Webbe moved to waive the three readings and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

The commendation was presented to Mr. Liddy's son and daughter. Mayor Tyler spoke highly of Mr. Liddy, noting that he was involved in the community and also served the country. Mr. Liddy's son and daughter expressed their appreciation, noting that it is an honor to receive the commendation for their father.

NEW BUSINESS (continued):

RESOLUTION NO. 11-R-7
(Mayor and Council)

- **A RESOLUTION COMMENDING ROY HENDRICKSON FOR HIS DEDICATED SERVICE TO THE CITY OF KIRTLAND ON THE CEMETERY BOARD OF TRUSTEES.**

The Resolution was read in its entirety by Council President R. Robert Umholtz. Mr. Kirek moved to waive the three readings and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SCHULZ, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

Mr. Hendrickson was present with members of his family. The commendation was presented to Mr. Hendrickson, and he received the warm applause of all those present. Mayor Tyler noted that Mr. Hendrickson also served the country, as well as the City of Kirtland.

Noting that Larry Spence worked closely with Mr. Hendrickson and Mr. Liddy, Councilman Powell asked Mr. Spence if he had any comments. Mr. Spence stated that it was an honor to serve with Mr. Hendrickson and Mr. Liddy. He stated that they both proudly served the country and the City.

RESOLUTION NO. 11-R-8
(Mayor Tyler)

- **A RESOLUTION AUTHORIZING THE CITY OF KIRTLAND, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE TIBBITTS ROAD RECONSTRUCTION PROJECT.**

Read by title only and placed on First Reading.

ORDINANCE NO. 11-O-9
(Mayor Tyler)

- **AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2011.**

Read by title only and placed on First Reading.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Davidson moved to adjourn, with the second by Mr. Powell. The motion of Council passed by unanimous vote. The time was 7:29 p.m.

President of Council

Clerk of Council