

KIRTLAND CITY COUNCIL MINUTES

March 21, 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, 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, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

MINUTES OF THE MARCH 7, 2011 COUNCIL MEETING:

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 4/0/2 (VOTING YEA: POWELL, SCHULZ, SKRBIS AND DAVIDSON. VOTING NAY: NONE. ABSTAINING: UMHOLTZ AND WEBBE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report. Responding to Councilman Davidson, Chief Hutton advised that the tarp at Station No. 2 was due to a leak from the thawing snow and rain.

Police Chief Wayne Baumgart gave no formal report and no questions were asked of him.

Service Administrator Carm Catania did not present a formal report.

Councilman Schulz inquired whether the City has a Memorandum of Understanding with Aqua Ohio for repairs. Mr. Catania stated that a written agreement was drawn up many years ago, noting that the City is contractually obligated to use Aqua Ohio for water service. Mr. Schulz inquired if repairs are done on an annual basis. Mr. Catania advised that Aqua Ohio comes out periodically to perform repairs.

Mr. Schulz noted that while driving through the City, he has observed dead trees within the right-of-way. He inquired whether the City has adopted a policy in this regard. Mr. Catania stated that while there is no written policy, the brush collection begins in April; he stated that the trucks will be out with chippers and chain saws, noting that this can be addressed at that time.

With regard to the sewer project, Councilman Schulz inquired whether there are provisions for dust control. Mr. Catania stated that the contractor has been addressing this pretty well, noting that the last few weeks have been difficult due to the weather. He stated that the contractor has been responsive to the City, noting that he will contact them tomorrow regarding the gravel on the road.

Finance Director Keith Martinet advised that the Local Government Service section of the State Auditor is currently performing accounting work for the City; he noted that they are using the Council office.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler advised that the monthly meeting for the State Route 306 sewer construction project was held on March 15; he noted that the project is on schedule for all phases. The Mayor stated that he will keep Council apprised of the progress, noting that definitive dates for substantial completion should be available after the next Council meeting.

Mayor Tyler noted that on March 16 he attended the Lake County Visitors' Bureau reception for mayors and elected officials in Lake County.

The Mayor noted that on March 17 he attended the Senior Center St. Patrick's Day luncheon, noting that it was a nice event and very well attended.

Mayor Tyler stated that on March 18 he attended the NOACA meeting. He noted that the meeting was delayed from the previous week due to the blizzard, which was the first time in its history that a NOACA meeting was delayed due to weather.

As mentioned in the work session, Mayor Tyler noted that the Kirtland School District is hiring a new superintendent at tonight's Board meeting.

Councilman Skrbis acknowledged that he received a copy of the new City newsletter; he inquired if it will be published quarterly. Mayor Tyler advised that it will be published three to four times per year, noting that it will coincide with the time that the recreation brochure would typically be sent out. Mr. Skrbis inquired whether consideration will be given to including advertisements in the newsletter. Mayor Tyler replied that it is a possibility in the future, noting that it had been considered. The Mayor stated that although the newsletter is larger than the recreation brochure, a lot of money was saved since the newsletter was done entirely in-house; and the cost to publish the newsletter will be no greater than the cost of publishing the former recreation brochure. Mr. Skrbis inquired whether it would be possible to send out the newsletter electronically. Mayor Tyler responded affirmatively, and further noted that it is on the City website. Mr. Skrbis suggested that residents be given the option of receiving an electronic copy rather than a paper copy.

Councilman Powell noted that he has received telephone calls regarding a cost increase in the fuel surcharge from Waste Management. The Mayor confirmed that an increase in the fuel surcharge is allowed according to the contract with Waste Management.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:**RESOLUTION NO. 11-R-8**
(Mayor Tyler)

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

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

- (Third Reading) - AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2011.

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

NEW BUSINESS:**ORDINANCE NO. 11-O-10**
(Mayor Tyler)

- AN ORDINANCE ESTABLISHING SECTION 236.09 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO ZONING PERMIT FEES AND DECLARING AN EMERGENCY.

Read by title only. Mr. Webbe moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

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

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INSPECTION AND MAINTENANCE AGREEMENT AND DECLARATION OF COVENANTS AND DEED RESTRICTIONS FOR STORMWATER BEST MANAGEMENT PRACTICES (BMP'S) WITH PF KIRTLAND, LLC, FOR THE UNIVERSITY CENTER OF LAKE LAND COMMUNITY COLLEGE, AND DECLARING AN EMERGENCY.

Read by title only. Mayor Tyler requested that Council waive the three readings and vote on the resolution at tonight's meeting. Mr. Skrbis moved to waive the three readings, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Webbe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND DAVIDSON. VOTING NAY: NONE).**

NEW BUSINESS (continued):

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

- **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 and placed on First Reading.

ORDINANCE NO. 11-O-13
(Council President Umholtz)

- **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. Councilman Schulz inquired whether the proposed amendment has been sent to the Homeowners' Associations in the City. Mayor Tyler stated that this has not yet been sent to the Homeowners' Associations, noting that any new applications will need to comply. Mr. Catania stated that it is his understanding that the Associations will not be required to change their existing signs; he noted that in the near future he will send a notice to the Homeowners' Associations that the City has on record to advise them of the amendment in the event they plan to make any changes to their signs. The legislation was 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. Schulz. The motion of Council passed by unanimous vote. The time was 7:18 p.m.

President of Council

Clerk of Council