

KIRTLAND CITY COUNCIL MINUTES

July 11, 2011

The meeting of Kirtland City Council was called to order at 7:13 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, Robert Skrbis, R. Robert Umholtz and Donald Webbe.

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

MINUTES OF THE JULY 6, 2011 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0/2 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, SCHULZ AND SKRBIS. VOTING NAY: NONE. ABSTAINING: KIREK AND POWELL).**

DEPARTMENT REPORTS:

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

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

City Engineer Philip Kiefer advised that his report for June, 2011 has been distributed.

Responding to Councilman Schulz, Mr. Kiefer stated that he has not yet seen the punch list for the sewer project; he noted that the County is preparing the punch list. Mr. Kiefer noted that the County completed a walk-through of the project with the Mayor.

Councilman Schulz noted that there is quite a "bird bath" that occurs in the apron of the north driveway at Hilltop Apartments, at 9109 Chillicothe Road; he inquired whether that will be addressed by the sewer contractor or as part of the sidewalk contract. Councilman Webbe inquired when the sidewalk will be done from the school driveway to the gas station. Mayor Tyler noted that he will provide Council with the schedule for the sidewalks when Mr. Catania returns from vacation.

Councilman Powell inquired about the sidewalk forms going up the hill on Route 306; he asked why the City started the sidewalk there rather than in the area mentioned by Mr. Webbe. Mr. Kiefer stated that the sidewalk was started there because it is undisturbed ground and there will not be any problem with settling over the winter. Councilman Powell questioned the need for a sidewalk in that location.

Noting that a recent front-page article in the newspaper addressed issues between the contractor and the County with regard to the sewer project, Councilman Davidson inquired whether this will change the property owners' assessments. Mr. Kiefer advised that the final assessment cannot be greater than the preliminary assessment.

Responding to Councilman Webbe with regard to the portion of the sidewalk on the hill, Mr. Kiefer advised that the Church is paying for the materials. With regard to the balance of the project, Mayor Tyler advised that the grant was approved by NOACA, but the project is not yet going forward because there are still details to be worked out.

DEPARTMENT REPORTS (continued):

Councilman Davidson inquired whether there is a recommended contractor or list of preferred vendors for the Templeview connections to the sewer line, and he inquired about the final assessments. Mayor Tyler advised that the City is working with the County with regard to a tie-in procedure; he noted that public information meetings with the residents of Templeview will be held once that information is available. Responding to Mr. Davidson regarding a time frame, the Mayor stated that there are two outstanding issues, one of which was reported in the newspaper; the County is working through the other issue with some of the contractors, and then they will come up with final assessments. The Mayor noted that the residents will be informed of the assessment amounts at a public information meeting.

Finance Director Keith Martinet advised that he has prepared the May financial statements, which will be placed in Council members' mailboxes this week. With regard to the bond anticipation notes that were adopted last week, Mr. Martinet advised that tentative pricing will be set tomorrow, and closing will be next week.

Law Director Daniel Richards did not present a formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler welcomed Mr. Kirek back following his surgery; he conveyed his best wishes to Council for their summer recess.

The Mayor stated that the City received a plaque from NOPEC for exceptional service to the community regarding the energy savings program; he noted that this relates to the grant received to offset the cost of the radios for the Police Department. Mayor Tyler stated that Chief Hutton is working with Lake County Telecommunications to obtain the radios.

The Mayor advised that he has the paperwork for the Tibbetts Road project, relating to funding through OPWC. He noted that the project should begin within the next two months

Mayor Tyler advised that he attended a County meeting with Mr. Catania and Mr. Kiefer regarding the sewer project.

The Mayor stated that he and Council-at-Large members met recently to discuss the review and reapportioning of the four wards. He noted that Mrs. Hauser and Mrs. Roelle met with an employee of the City of Painesville to help provide a better understanding of the census tracts and census blocks as they relate to wards. The Mayor noted that the ward boundaries have been adjusted as the population has changed. He noted that the Attorney General of the State of Ohio imposes a limit of 1400 voters in each ward. Mayor Tyler stated that the wards will be reviewed during the summer recess.

With regard to concerns discussed at the last meeting about the appearance of the Route 6 and Route 306 intersection, Mayor Tyler advised that the owner of the property at the southwest corner has advised that they are waiting on a permit to demolish the structure.

Councilman Davidson noted that there was a broad committee reviewing the comprehensive plan in 2002; he inquired who is on the review committee this time. Mayor Tyler advised that, due to the amount of work that was done on the plan in 2002, the review of the plan is starting with the Planning and Zoning Commission this time. Mayor Tyler stated that he gave the Commission some suggestions and recommendations to start the review process; he noted that it is on the Commission's agenda for their meeting tomorrow. The Mayor noted that as questions or needs arise, Council and/or Administration will participate. Responding to Councilman Davidson, the Mayor stated that economic development will be one of the components that will be reviewed again, in greater detail than last time.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Councilman Schulz inquired whether a neighborhood garden club could take on projects, such as areas in the right-of-way, to help beautify the gateways of the City. Mayor Tyler advised that there is an existing Kirtland Garden Club; he noted that this can be considered.

To follow-up on previous concerns, Councilman Skrbis inquired about the mound on Mr. Excavator's rear yard. He also inquired about the ditch on the Davies' property on Wisner. Mr. Skrbis inquired about the patching that is needed on Prelog. Mayor Tyler stated that he discussed the patching with Mr. Catania, noting that it will be looked at soon. With regard to the Davies property, Mr. Skrbis stated that he will contact Mr. Catania when he returns from vacation next week.

Councilman Davidson commented that Mr. Catania followed up quickly on the street sign for Conley.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

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

Read by title only. Mr. Webbe moved to adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

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

Read by title only. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

NEW BUSINESS:

None.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Powell requested an update regarding the turn lanes on Route 306 at Lakeland Community College. Police Chief Baumgart advised that there are three diagrams, noting that the plan that was selected provides an extra southbound lane – there will be two turn lanes into Lakeland and two straight-through lanes, with the right lane for right turns as well. Chief Baumgart noted that there will also be a northbound turn lane into the school. Mr. Powell inquired how much of an impact the new facility will have on the design. Chief Baumgart advised that the new facility does not affect the design, noting that the right lane will be used for a right-hand turn or for straight through traffic.

Councilman Skrbis inquired about permits for new houses during Council's recess. Council President Umholtz stated that he would entertain a motion to grant authorization to City Engineer Philip Kiefer to issue zoning permits during Council's summer recess for new residences in subdivisions not yet approved for maintenance. Mr. Kirek so moved, and Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: UMHOLTZ, WEBBE, DAVIDSON, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

Councilman Schulz advised that the House passed a bill, to be sent to the Senate, with regard to texting while driving. He stated that he will keep Council informed in this regard, noting that this may become a non-issue with regard to any action by the City.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

It was noted that Council will reconvene in the work session following adjournment of the regular meeting.

Mr. Kirek moved to adjourn, with the second by Mr. Webbe. The motion of Council passed by unanimous vote. The time was 7:37 p.m.

President of Council

Clerk of Council