

KIRTLAND CITY COUNCIL MINUTES

September 19, 2011

The meeting of Kirtland City Council was called to order at 7:14 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, Robert Skrbis, R. Robert Umholtz and Donald Webbe. Absent: Matthew Schulz.

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.

KIRTLAND PUBLIC LIBRARY LEVY PRESENTATION:

Jane Carle, Director of Kirtland Public Library, addressed Council in this regard. She distributed fliers to Council members and Administration, noting that this is a renewal of a 4-year levy that was first passed in 2007. Ms. Carle stated that it is 1 mill, which will generate \$335,000 annually and will cost the owner of a \$200,000 home approximately \$60 per year. Ms. Carle stated that the State funding has been cut 20 percent since 2007, noting that money from the levy replaces that funding. She noted that as a result of the levy that passed 4 years ago, the Library has been able to maintain their hours of service; they were able to spend an additional \$185,000 on materials; and they were able to set aside money for a building project that they are undertaking. Ms. Carle stated that she would be happy to answer any questions, and she asked if Council would be willing to endorse the levy.

There were no questions with regard to the levy. Mr. Webbe made a motion to endorse the levy renewal for the Kirtland Public Library. Mr. Skrbis provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Ms. Carle thanked Council for providing their endorsement.

MINUTES OF THE SEPTEMBER 7, 2011 WORK SESSION:

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

MINUTES OF THE SEPTEMBER 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, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton did not present a formal report. On behalf of New Promise Church, Council President Umholtz thanked Chief Hutton and Chief Baumgart for sending a representative from the Fire Department and from the Police Department for the September 11 service.

Police Chief Wayne Baumgart did not present a formal report. Noting that deer hunting season is approaching, Councilman Powell requested a copy of the registered hunters and the locations.

DEPARTMENT REPORTS (continued):

Service Administrator Carm Catania did not present a formal report. Councilman Davidson expressed appreciation to Mr. Catania for addressing the drainage issue on Eisenhower and Saxon. Mr. Davidson inquired when the tree on Charlesderry will be removed. Mr. Catania stated that he is working on finding the funds to remove the tree.

Councilman Skrbis inquired whether there are any updates with regard to Mr. Excavator's commercial activity beyond the 400 feet. Mr. Catania advised that it has stopped, including the hauling of materials onto and off the property. He noted that the City Engineer has directed them to finish the swale; they will need to seed and mulch. Mayor Tyler stated that he met with Mr. Catania and Mr. Kiefer with regard to a corrective course of action; he noted that Mr. Excavator is complying with the City's requests.

Councilman Skrbis inquired about the tank on the New Promise Church property. Mr. Catania advised that he called last week, and the tank should be removed this week. Noting that some of the neighbors have been complaining about the lack of screening, Council President Umholtz stated that the noxious weeds are approximately 4 feet in height and are very dense. Mr. Catania stated that the spacing of the pine trees on the mound has been measured, and that everything has been done according to the approved site plan. He noted that the Church has done everything that they were supposed to do, and the City has no way to force them to do anything additional. Mr. Catania stated that he will look into the issue with the noxious weeds. Mr. Umholtz inquired if the site plan requires more trees to be planted on the landscape islands within the parking lot. Mr. Catania stated that he will have to look at the site plan.

Councilman Powell noted that the house at the Route 6 and Route 306 intersection looks worse, since trees have been removed. Mr. Catania advised that, with the EPA requirements, it took some time for the paperwork to be finalized. He advised that the trees were removed to allow room for the equipment to demolish the house. Mr. Catania stated that he will look into the status of the house demolition. Mr. Powell stated that this property is a mess, along with the gas station property across the street. Mr. Catania stated that he has been in contact with Rich Oil with regard to the canopy on the gas station property. Mr. Powell stated that it is his opinion that the City should do whatever it can to assist the property owners in cleaning up the properties at the intersection. Mr. Catania stated that he will follow up on this. Councilman Davidson referred to a vacant property on Route 306, at Route 87 in Russell, noting that it has been landscaped and would be a nice model for the gas station property until it is developed.

Councilman Skrbis stated that he received a call from Sean Haines of Billings Road with regard to the horse farm that is on a land contract. Noting that he visited the property last week, Mr. Catania stated that the new owners started to remove the old fence line on the west side of the property, they removed a building and were moving some dirt. Mr. Catania advised that they have been advised to stop work until they submit a site plan. Councilman Powell noted that at the Planning and Zoning Commission meeting, the new owner submitted a plan to put in a new driveway and is willing to do what it takes to maintain the property.

City Engineer Philip Kiefer did not present a formal report. Councilman Powell reminded Mr. Kiefer that at the last meeting, he requested a copy of the report of drainage complaints. Mr. Kiefer advised that the report has been provided to the Mayor.

Finance Director Keith Martinet stated that he prepared, posted and distributed the July financial statements.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler wished the Kirtland Public Library good luck with their levy renewal.

Mayor Tyler stated that he met last week with Ken Crandall and Craig Cawrse with regard to the comprehensive plan, noting that they will put together a proposal.

The Mayor advised that he is setting up a follow-up meeting with the Lake County Department of Utilities, noting that there are several "loose ends" to be addressed. He noted that they are working on the final assessment costs.

Mayor Tyler noted that the Lakeland Community College University Center had hoped to be open by the beginning of fall quarter; he noted that they should be open for classes in a few weeks. The Mayor stated that Lakeland is partnering with 9 colleges, noting that they are currently holding classes in different areas of their campus.

Responding to Councilman Powell with regard to the City Engineer's report of drainage complaints, Mayor Tyler stated that he has received the report, and that he will pass it along once he has reviewed it.

Councilman Davidson noted that the long-term budget includes the park south of Route 6, noting that there is a significant amount of money budgeted over the next several years. In the course of reviewing the comprehensive plan, Mr. Davidson inquired whether it would be more beneficial to improve the parcel that already has parking, utilities and existing fields, as opposed to starting a new park; he noted that with a new park, the City would have three City parks, three Metroparks and the Arboretum. Mr. Davidson stated that it would be easier to service two City parks rather than three. Mayor Tyler advised that for now the comprehensive plan will be independent of the five-year capital plan that he presents to Council every year. The Mayor noted that parks and recreation will be one of the long-term items for the Planning and Zoning Commission to review.

STANDING COMMITTEE REPORTS:

With regard to the discussion at the last work session regarding Timothy Lane, Council President Umholtz inquired about the possibility of referring this matter to Council's Planning and Zoning Standing Committee. Noting that this is a good idea, Mayor Tyler stated that he is reviewing this with Mr. Richards and Mr. Kiefer. Mr. Umholtz noted that the Standing Committee could work with the Administration to get this resolved. Councilman Davidson suggested that, in the interim, if there is money left at the end of the budget year, tarring and chipping might be a nice measure. With Council's approval, Council President Umholtz referred the matter to the Planning and Zoning Standing Committee and requested that the Chairman schedule a meeting as soon as possible and work with the Administration.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Claire Davis, 8120 Glenpark Rd., noted that the school has a levy on the ballot, and the homeowners affected by the sewer project have not yet been informed of the amount it will cost them. She stated her concern about these homeowners deciding whether to support the school levy, on the tight budget they already have, when they don't know how much the sewer will cost them. She stated that she has spoken to Mayor Tyler and some of the Councilmen and she is aware that the City has worked to try to get

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

additional funding to help defray the cost, but the last public meeting was in 2007. She stated that she understands that there will be an assessment over a long period of time to help cover the construction costs and that there is a fee for the actual processing of the sewage, but they do not have a good idea of what those will cost. She stated that if the homeowners do not know what their budgets will be based on estimates for the sewer costs, she believes that most homeowners will not vote to support either the school levy or the library levy. She asked that Council put some pressure on the County to come up with some figures and get them to the homeowners quickly.

Mayor Tyler advised that the City was able to receive \$500,000 in ARRA stimulus funding to help defray some of the costs of the Route 306 sewer project. The Mayor noted that the City has been leaning on the County for some time to get the final assessment costs, but the City has not yet received those final assessment costs. Noting that the Templeview sewer project is part of the much larger sewer project, Mayor Tyler stated that a follow-up meeting will be held within the next week or so with the County. The Mayor stated that preliminary cost figures were provided several years ago; he noted that those cost figures represent the cost ceiling. He noted that the project came in under budget, which will help with the costs. With regard to those residents who need financial assistance with the tie-in fees, Mayor Tyler advised that the City is working with the County to receive some community block grants to help those residents. The Mayor noted that the City is doing everything within its capability to make the improvement as economically feasible as possible for the residents. Mayor Tyler stated that the City will try to get those figures to the residents prior to the election so they have the information they need to make the best judgment possible.

Jim Davis, 8120 Glenpark Rd., stated that it is important to get that information to the residents so that they can make their decisions as to whether they can afford to support the library and the school levies, which are both important to the community. Mr. Davis inquired how the information will be provided to the residents.

Mayor Tyler stated that letters may be sent to the affected homeowners. He noted that a public hearing will be scheduled for the Kirtland Public Utilities Commission. Mayor Tyler stated that if the final numbers are not available before the date of the election, the City can provide some preliminary numbers that will be very close to the final figures.

OLD BUSINESS:

RESOLUTION NO. 11-R-43 - **(Third Reading) - A RESOLUTION INCREASING THE COMPENSATION PAID TO THE MAYOR.**
(Council President Umholtz)

Read by title only. Mr. Webbe moved to table the legislation, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

RESOLUTION NO. 11-R-44 - **(Third Reading) - A RESOLUTION SETTING THE SALARY FOR THE PUBLIC SAFETY DIRECTOR.**
(Council President Umholtz)

Read by title only. Mr. Webbe moved to table the legislation, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

OLD BUSINESS (continued):

RESOLUTION NO. 11-R-45 - (Third Reading) - A RESOLUTION SETTING THE
(Council President Umholtz) SALARY FOR THE PUBLIC SERVICE DIRECTOR.

Read by title only. Mr. Webbe moved to table the legislation, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: DAVIDSON, KIREK, POWELL, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

ORDINANCE NO. 11-O-47 - (Third Reading) - AN ORDINANCE AMENDING
(Mayor Tyler) SECTION 210.01 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO EXAMINATION OF REGISTRATION RECORDS OF CANDIDATES; WRITTEN PROTESTS AGAINST UNQUALIFIED CANDIDATES.

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, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

NEW BUSINESS:

RESOLUTION NO. 11-R-49 - A RESOLUTION AUTHORIZING THE MAYOR TO
(Mayor Tyler) ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LAKE COUNTY DEPARTMENT OF UTILITIES RELATING TO SR 306 SANITARY SEWER TAP-IN FEE CHARGES TO THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 11-R-50 - A RESOLUTION ACCEPTING THE AMOUNTS
(Mayor Tyler) AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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

NEW BUSINESS (continued):

RESOLUTION NO. 11-R-51
(Mayor Tyler)

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A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE NOVEMBER 30, 2011 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on First Reading.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Davidson stated that he appreciates the residents of Templeview expressing their sentiments; he noted that the neighborhood is ready to take-off as soon as the sewers are hooked up. Noting that the neighborhood will probably need a sidewalk connection, Mr. Davidson stated that the sewer connection will be great for the neighborhood.

Mayor Tyler stated that in his four years as Mayor, he has worked more on the sewer project than on any other project that has been before the City. He noted that the sewer project is part of the comprehensive plan and part of the economic development of the downtown area.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. The time was 7:46 p.m.

President of Council

Clerk of Council