

KIRTLAND CITY COUNCIL MINUTES

September 17, 2012

The meeting of Kirtland City Council was called to order at 7:08 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: William Catania, 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, and Fire Chief Anthony Hutton.

MINUTES OF THE SEPTEMBER 5, 2012 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton gave no formal report and no questions were asked of him.

City Engineer Philip Kiefer did not present a formal report and no questions were asked of him.

Finance Director Keith Martinet advised that he has prepared, posted and distributed the August financial statements. Mr. Martinet noted that the State Auditors are almost done with their field work.

Mr. Martinet requested a meeting of the City's Board of Tax Review (Council President, Finance Committee Chair and the Mayor). It was agreed that the Board of Tax Review will meet following the conclusion of the next regular Council meeting on Monday, October 1, 2012.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler reminded Council that CPR training will take place on Monday, October 15, from 12:30 to 3:30 p.m. at Station 1 for employees, including Council members.

The Mayor noted that a draft copy of the Comprehensive Plan Update will be available on the City website.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road, commented that the intersection at the top of the hill is much improved.

Pam and Jason Klann, 7856 Russellhurst Drive, addressed Council with regard to drainage issues on their property, along with drainage issues at 7846 Russellhurst and 7866 Russellhurst (Mrs. Klann noted that the owners of those properties were unable to attend tonight’s meeting). Mrs. Klann inquired when this matter will be resolved. Noting that a meeting was previously held with the property owners, Mr. Kiefer stated that the City provided suggestions to the property owners; he advised that Lake County Stormwater cannot provide any financial assistance because it is not in their jurisdiction. Mr. Kiefer noted that it is on private property.

Mr. Klann stated that the City approved the Barrister’s Court development, with the houses built above grade. Mr. Kiefer advised that the downspouts from the houses drain to the detention pond, but the land has always drained toward Russellhurst.

Mr. Klann stated that the curtain drain has been diverted to his neighbor’s property. Mrs. Klann stated that she did not have a water problem until the houses in Barrister’s Court were built. She stated concern about bacteria on her property and the overflow of the retention pond. Mr. Kiefer noted that overflow of the retention basin flows to the existing stream.

Upon further discussion of the matter, Mayor Tyler requested that Mr. and Mrs. Klann stay briefly after the Council meeting, noting that another meeting can be scheduled in this regard. Mr. and Mrs. Klann agreed to discuss this further after the meeting.

OLD BUSINESS:

ORDINANCE NO. 12-O-44 - (Third Reading) - AN ORDINANCE AMENDING SECTION 1270.06 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO AREA, YARD AND HEIGHT REGULATIONS IN R-5 MULTIFAMILY DWELLING DISTRICTS.
(Council President Umholtz)

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

ORDINANCE NO. 12-O-45 - (Third Reading) - AN ORDINANCE AMENDING SECTION 1268.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO PERMITTED BUILDINGS AND USES IN R-1, R-2 AND R-3 RESIDENTIAL DISTRICTS.
(Council President Umholtz)

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

NEW BUSINESS:

RESOLUTION NO. 12-R-47
(Mayor Tyler)

- A RESOLUTION ACCEPTING THE AMOUNTS 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. Skrbis moved to waive the three readings, with the second by Mr. Powell. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: POWELL, SKRBIS, UMHOLTZ, WEBBE, CATANIA AND KIREK. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: POWELL, SKRBIS, UMHOLTZ, WEBBE, CATANIA AND KIREK. VOTING NAY: NONE).**

RESOLUTION NO. 12-R-48
(Mayor Tyler)

- A RESOLUTION TO AUTHORIZE AND APPROVE THE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE NOVEMBER 30, 2012 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:

None.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Powell. The motion of Council passed by unanimous vote and the meeting adjourned at 7:38 p.m.

President of Council

Clerk of Council