KIRTLAND CITY COUNCIL MINUTES

November 5, 2014

The meeting of Kirtland City Council was called to order at 7:08 p.m. by Council President R. Robert Umholtz. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: William Catania, Douglas Davidson, David Kirek, Matthew Schulz, Robert Skrbis and R. Robert Umholtz.

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.

Public Hearing
Ordinance No. 14-O-58 and No. 14-O-59
Re: Structure Height Limitations

Council President Umholtz opened the public hearing in this regard. Planning and Zoning Commission Chairman Kevin Eilerman was present and advised that the legislation tightens up the regulations with regard to height restrictions; he noted that the recent request from Holden Arboretum pointed out the need for some clarification in the code. Mayor Tyler stated that the ordinances address a gap in the current zoning code.

There were no questions or comments from the public or from Council members. Mr. Kirek moved to close the public hearing, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, CATANIA, DAVIDSON AND KIREK. VOTING NAY: NONE).**

MINUTES OF THE OCTOBER 20, 2014 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 6/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, CATANIA, DAVIDSON AND KIREK. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report has been distributed.

Police Chief Wayne Baumgart advised that the monthly report for Police and Fire has been distributed. Noting that this Friday evening is the first Kirtland High School football playoff game, Councilman Skrbis inquired about having an officer, if one is available, assist with crossing pedestrians. Police Chief Baumgart advised that the Police Department has been taking care of that.

Service Administrator Carm Catania stated his thanks to everyone involved in the passage of the road levy.

Noting that he was contacted by Mrs. Haupt of 8351 Euclid Chardon Road with regard to a deep ditch, Councilman Davidson inquired if a guard rail can be installed or if this can be moved up in priority to address the ditch. Mr. Catania stated that he will take a look at this and discuss this with the Mayor to determine what can be done.

DEPARTMENT REPORTS (continued):

City Engineer Philip Kiefer advised that his monthly report has been distributed.

Councilman Catania inquired about the OPWC application for the State Route 306 hill. Mr. Kiefer advised that it did not score well enough for funding; he noted that the City can resubmit next year. Councilman Davidson inquired about combining this with another nearby project; Mr. Kiefer advised that if more money is requested, the project scores lower, so it is better to submit as separate projects.

Referring to the Ohio EPA Stormwater Phase II permit noted on the City Engineer's report, Councilman Davidson inquired about the model ordinances being prepared by Chagrin River Watershed Partners. Mr. Kiefer stated that the City is required by the EPA to have ordinances for erosion and sediment control, stormwater management, and illicit discharge detection and elimination; he noted that approximately every five years, the EPA wants more requirements added to the regulations, so the City has to revise its ordinances to incorporate the new requirements. Mr. Kiefer noted that the ordinances will be reviewed by the Planning and Zoning Commission before being submitted to Council.

Finance Director Keith Martinet advised that he prepared, posted and distributed the September financial statements.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler noted that the Kirtland road levy campaign was a success, passing with 60 percent of the vote; he stated that it passed in every ward and by the absentee ballots. He noted that it is a win for the community and the residents. Noting that he and Finance Director Martinet began work on the levy in May, the Mayor stated his thanks to Council for supporting the levy and placing it on the ballot; he thanked Service Administrator Catania and campaign manager Rick Blum, along with all others that were involved. He thanked the entire Administration for working tirelessly on the levy, and he thanked the community for voting for the levy.

Mayor Tyler stated that Business Insider ranked the 50 best suburbs in America, and Kirtland was ranked at No. 50; he noted that this is the first time Kirtland has been named in the top 50 suburbs. Council President Umholtz noted that Ohio led the nation; there were 13 Ohio suburbs named in the top 50 suburbs in the United States.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

Council President Umholtz reported on the following:

1. From the Ohio Division of Liquor Control, a notice of request for a transfer of a D1, D2, D3, D3A and D6 permit from MSG Klub LLC (at 7592 Chardon Road) to Lunker Restaurants Holdings Inc. (at 7592 Chardon Road). Responding to Council President Umholtz, Police Chief Baumgart did not state any concerns or issues with regard to this request. No action was taken by Council to request a hearing in this regard.

CORRESPONDENCE (continued):

2. From the Ohio Division of Liquor Control, a notice for a liquor agency for Concord LLC, dba Capitol Beverage (at 9270 Chillicothe Road), and a notice for a transfer of a C1, C2 permit from Gerald John Halloran, dba Capitol Beverage (at 9270 Chillicothe Road), to Concord LLC, dba Capitol Beverage (at 9270 Chillicothe Road). Responding to Council President Umholtz, Police Chief Baumgart did not state any concerns or issues with regard to this request. No action was taken by Council to request a hearing in this regard.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Council President Umholtz thanked everyone who put forth an effort in the passage of the road levy; he noted that Rick Blum deserves a great deal of credit and recognition for his efforts. He thanked all of the Administration and Council members; he noted that Chief Hutton organized the speaking engagements, Chief Baumgart worked on the phone banks, and Service Administrator Catania and his crew worked hard. Noting that all of Council contributed, Mr. Umholtz stated that either Mr. Davidson or Mr. Schulz, or both, appeared at each of the speaking engagements. Mr. Umholtz noted that it was a community effort.

Mayor Tyler also stated his thanks to Chief Baumgart for handling the Facebook page, to Jim Porter as the "vote by mail" coordinator, and to Sandy Tyler as the data entry coordinator. The Mayor thanked everyone that contributed, noting that there were many volunteers, including the office staff and administrative staff who helped with the phone banks.

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Council President Umholtz inquired if Council wished to waive the rules of Council to introduce legislation to appoint a Council President Pro Tempore, noting that there is a vacancy as a result of Mr. Powell's resignation. Mr. Umholtz noted that there is one meeting after tonight before the organizational meeting is held on December 1. Councilman Skrbis inquired about the protocol in the event that the Council President is absent and no President Pro Tempore is appointed. Mayor Tyler noted that a similar situation occurred in the past, and the most senior member of Council acted as Council President Pro Tempore for that meeting. Noting that Mr. Kirek would be the most senior member, Council members decided not to go forward with legislation appointing a President Pro Tempore before the organizational meeting.

OLD BUSINESS:

ORDINANCE NO. 14-O-56 (Mayor Tyler) - **(Third Reading) - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LAKE COUNTY LAND REUTILIZATION CORPORATION RELATING TO VACANT, ABANDONED, TAX-FORECLOSED OR OTHER REAL PROPERTY.**

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

OLD BUSINESS (continued):

RESOLUTION NO. 14-R-57 - **(Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #300; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE DECEMBER 31, 2014 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**
(Mayor Tyler)

Read by title only and placed on Second Reading.

ORDINANCE NO. 14-O-58 - **(Second Reading) - AN ORDINANCE AMENDING SECTION 1262.04(a) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO HEIGHT OF MAIN OR AUXILIARY BUILDINGS OR STRUCTURES.**
(Council President Umholtz)

Read by title only and placed on Second Reading.

ORDINANCE NO. 14-O-59 - **(Second Reading) - AN ORDINANCE AMENDING SECTION 1268.07(c) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO HEIGHT OF NON-RESIDENTIAL AUXILIARY BUILDINGS OR ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS.**
(Council President Umholtz)

Read by title only and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 14-R-60 - **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CO-PERMITTEE NOTICE OF INTENT (NOI) FOR COVERAGE UNDER OHIO EPA SMALL MS4 NPDES GENERAL PERMIT RENEWAL, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

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

ORDINANCE NO. 14-O-61 - **AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE A NEW DIGITAL RADIO SYSTEM FOR USE BY THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

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

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Noting that Ron Fenstermaker and Kevin Eilerman are in the audience tonight, Councilman Davidson noted that the Recreation Standing Committee received initial information from three different companies with regard to the recreation park. Mr. Davidson inquired if it might be more advantageous to have the design done by the same company that did the master plan. Mayor Tyler noted that according to the Charter, this should come from the Administration, not from Council. Noting that Councilman Skrbis had mentioned that he would bring the recommendations to him, Mayor Tyler requested that Mr. Skrbis contact him to set up a meeting. Upon Mr. Skrbis' request, the members of the Recreation Standing Committee agreed to meet immediately following the November 17 Council meeting.

PUBLIC COMMENTS:

Ron Fenstermaker, 8851 Billings Road, thanked Mr. Davidson for bringing up this matter, noting that he attended tonight's meeting in this regard.

Kevin Eilerman, 8066 Pinehurst Drive, stated that he appreciates Councilman Davidson bringing this up and moving it forward because this is a hot topic at the regular Kiwanis meetings.

Mayor Tyler acknowledged Mr. Catania for economically taking care of some of the clearing at the recreation park, noting that it benefited the City and saved taxpayer money.

ADJOURN INTO EXECUTIVE SESSION:

Mr. Davidson moved to adjourn into executive session to discuss contract negotiations relating to the police bargaining unit, pursuant to Article I, Section 7(d) of the City Charter. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, CATANIA, DAVIDSON AND KIREK. VOTING NAY: NONE).** The executive session convened at 7:45 p.m.

RETURN TO REGULAR SESSION:

Mr. Kirek moved to adjourn the executive session, with the second of Mr. Catania. The motion passed and the executive session adjourned upon unanimous vote at 7:50 p.m.; and the regular session of Council reconvened.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Catania. The motion of Council passed by unanimous vote and the meeting adjourned at 7:51 p.m.

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President of Council

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Clerk of Council