KIRTLAND CITY COUNCIL MINUTES

July 9, 2012

The meeting of Kirtland City Council was called to order at 7:05 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, 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, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

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Upon request of the Council President, Mr. Webbe moved to suspend the rules of Council in order to consider Resolution No. 12-R-39 out of sequence. Councilman Schulz provided the second. The motion of Council passed by unanimous vote.

RESOLUTION NO. 12-R-39 - **A RESOLUTION COMMENDING DOUGLAS E. DAVIDSON FOR HIS SERVICE TO THE CITY OF KIRTLAND AS A MEMBER OF COUNCIL.**
(Mayor and Council)

The commendation was read in its entirety by Council President Umholtz. Mr. Kirek moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

The commendation was presented to Mr. Davidson, and he received the applause of all those present.

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MINUTES OF THE JULY 2, 2012 WORK SESSION:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Catania. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: WEBBE).**

MINUTES OF THE JULY 2, 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 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart did not present a formal report. On a personal note, Chief Baumgart announced that he became a grandfather of a healthy baby girl on July 3 at 8:51 p.m. Council members offered their congratulations.

Service Administrator Carm Catania advised that the Service Department began work this morning to finalize the sidewalk project on Route 306; he noted that the property owners have been very cooperative.

With regard to a property on Route 6, Councilman Powell stated his thanks to the Mayor and Mr. Catania, noting that the grass was mowed.

Councilman Schulz noted that at the curve on Gaitside Trail, the grass in the culvert is very high. He stated that he has safety concerns, noting that many children walk in that area and may not be visible due to the high grass and weeds. Service Administrator Catania stated that he will look at the property, and if there is a hazard the City can mow the right-of-way area.

City Engineer Philip Kiefer gave no formal report and no questions were asked of him.

Finance Director Keith Martinet advised that the financial statements have been prepared and will be posted this week. Mr. Martinet reminded the Council President and the Finance Committee that a Board of Tax Review meeting will be held tonight following the conclusion of the regular Council meeting.

Responding to Councilman Powell, Mr. Martinet advised that the State Auditors will be coming to City Hall on Monday, July 16.

Law Director Daniel Richards advised that there is an amended Resolution to be brought before Council tonight relative to the application of AT&T Mobility.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler stated that he would like to request that Council authorize City Engineer Philip Kiefer to approve zoning permits during summer recess.

The Mayor noted that the Board of Tax Review will meet immediately following the Council meeting.

With regard to the Route 306 project in front of Lakeland Community College, Mayor Tyler advised that the project will begin next week.

Mayor Tyler stated that he will request Council to introduce Resolution No. 12-R-41, No. 12-R-42 and No. 12-R-43 as New Business at tonight's meeting.

On behalf of the Administration, Mayor Tyler offered congratulations to Chief Baumgart on becoming a new grandfather.

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Mr. Webbe moved to grant authorization to City Engineer Kiefer to issue zoning permits during Council's summer recess for new residences in subdivisions not yet approved for maintenance. Mr. Catania seconded. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

RESOLUTION NO. 12-R-33 - **(Third Reading) - A RESOLUTION PURSUANT TO SECTIONS 5705.19 AND 5705.191 OF THE OHIO REVISED CODE SUBMITTING TO THE ELECTORS OF THE CITY OF KIRTLAND A QUESTION OF PROVIDING FOR AN ADDITIONAL LEVY OF TWO (2) MILLS, IN EXCESS OF THE TEN MILL LIMITATION, FOR FIVE (5) YEARS FOR THE PURPOSE OF GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS AND BRIDGES, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

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

RESOLUTION NO. 12-R-34 - **(Third Reading) - A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2013.**
(Mayor Tyler)

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

RESOLUTION NO. 12-R-35 - **(Third Reading) - A RESOLUTION ACCEPTING THE APPLICATION OF AT&T MOBILITY FOR A NEW WIRELESS COMMUNICATION FACILITY AT 9140 CHILLICOTHE ROAD, KIRTLAND, OHIO.**
(Council President Umholtz)

Read by title only. Mr. Webbe moved to amend the legislation, including the title, to reflect that the application has been amended to provide that New Cingular Wireless PCS, LLC, shall be substituted as the applicant and entity to which the permit is to be issued. Mr. Kirek provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** It was noted that the legislation reverts to Second Reading.

Mr. Webbe moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt as amended, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

OLD BUSINESS (continued):

RESOLUTION NO. 12-R-36 - **(Third Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT ASSISTANCE AGREEMENT WITH THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS FOR DESIGN AND CONSTRUCTION OF A SEWER EXTENSION, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

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

ORDINANCE NO. 12-O-38 - **(Second Reading) - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

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

NEW BUSINESS:

RESOLUTION NO. 12-R-40 - **A RESOLUTION ACCEPTING THE BID OF SNAVELY EXCAVATING COMPANY FOR THE U.S. ROUTE 6 DRAINAGE PROJECT, PHASE I, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SNAVELY EXCAVATING COMPANY AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

Mr. Skrbis moved to suspend the rules of Council relative to the introduction of Resolution No. 12-R-41, legislation not listed on the agenda as implied in Section 220.26, pursuant to Section 220.24 of the Codified Ordinances. Mr. Kirek provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

Mr. Skrbis moved to suspend the rules of Council relative to the introduction of Resolution No. 12-R-42, legislation not listed on the agenda as implied in Section 220.26, pursuant to Section 220.24 of the Codified Ordinances. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

NEW BUSINESS (continued):

Mr. Skrbis moved to suspend the rules of Council relative to the introduction of Resolution No. 12-R-43, legislation not listed on the agenda as implied in Section 220.26, pursuant to Section 220.24 of the Codified Ordinances. Mr. Webbe provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

RESOLUTION NO. 12-R-41 - **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE THREE (3) NEW 2012 FORD F-450 CAB AND CHASSIS VEHICLES FOR USE BY THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

Read by title only. Mr. Webbe moved to waive the three readings, with the second by Mr. Skrbis. Councilman Powell commented that these vehicles, along with the equipment packages listed in the next two pieces of legislation, were budgeted; and Council is taking action on these tonight because of the timing to purchase these vehicles. Service Administrator Catania stated that the reason for the urgency relates to the availability of these vehicles before winter, which necessitates the emergency legislation. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

RESOLUTION NO. 12-R-42 - **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE TWO (2) NEW EQUIPMENT PACKAGES FOR TWO NEW FORD F-450 VEHICLES, FOR USE BY THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

RESOLUTION NO. 12-R-43 - **A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE ONE (1) NEW EQUIPMENT PACKAGE FOR ONE NEW FORD F-450 VEHICLE, FOR USE BY THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Schulz publicly thanked the Mayor and Council for bringing forth the levy for the infrastructure, noting that it is the right time and a good investment in the City.

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.

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President of Council

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Clerk of Council