

## KIRTLAND CITY COUNCIL MINUTES

May 8, 2013

The meeting of Kirtland City Council was called to order at 7:06 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, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

### MINUTES OF THE APRIL 15, 2013 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 5/0/2 (VOTING YEA: UMHOLTZ, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SKRBIS AND SCHULZ).**

### MINUTES OF THE APRIL 15, 2013 COUNCIL MEETING:

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

### MINUTES OF THE APRIL 15, 2013 FINANCE COMMITTEE 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 6/0/1 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart advised that the formal report has been distributed, noting the increase in traffic stops for the month.

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

Finance Director Keith Martinet gave no formal report and no questions were asked of him.

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

**MAYOR’S REPORT/ANNOUNCEMENTS:**

Mayor Tyler stated that, as it now stands, the results of the road levy are within the margin of error. The Mayor noted that there are a handful of absentee ballots and provisional ballots that still need to be counted; he noted that there will be an automatic recount due to the margin of the results.

As a final reminder, Mayor Tyler stated that the Ohio Ethics Commission financial disclosure statements must be filed by next Wednesday, May 15. The Mayor noted that if any Council members still need a form, they can obtain one online or contact the Council Clerk.

Mayor Tyler stated that Government Day at Kirtland City Hall is scheduled for May 24, noting that the third graders will visit City Hall.

Mayor Tyler advised that the Memorial Day parade is scheduled for Monday, May 27.

**STANDING COMMITTEE REPORTS:**

Councilman Powell, Chairman of the Planning and Zoning Standing Committee, stated that he is still working on a date for a meeting with regard to “fracking”.

**CORRESPONDENCE:**

None.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

None.

**OLD BUSINESS:**

**RESOLUTION NO. 13-R-14**  
**(Mayor Tyler)**

- (Second Reading) - A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 04-R-23 OF THE COUNCIL OF THE CITY OF KIRTLAND, LAKE COUNTY, OHIO, THAT ADOPTED A PICKUP OF ALL THE 10% MANDATORY CONTRIBUTIONS, REQUIRED UNDER LAW BY §742.31 OF THE OHIO REVISED CODE FOR PARTICIPATING EMPLOYEES OF THE POLICE DEPARTMENT WHO ARE MEMBERS OF THE OHIO POLICE & FIRE PENSION FUND, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

**OLD BUSINESS (continued):**

**RESOLUTION NO. 13-R-15**  
**(Mayor Tyler)**

- (Second Reading) - A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 04-R-24 OF THE COUNCIL OF THE CITY OF KIRTLAND, LAKE COUNTY, OHIO, THAT ADOPTED A PICKUP OF ALL THE 10% MANDATORY CONTRIBUTIONS, REQUIRED UNDER LAW BY §742.31 OF THE OHIO REVISED CODE FOR PARTICIPATING EMPLOYEES OF THE FIRE DEPARTMENT WHO ARE MEMBERS OF THE OHIO POLICE & FIRE PENSION FUND, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

**RESOLUTION NO. 13-R-20**  
**(Mayor Tyler)**

- (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE MAY 31, 2013 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

**RESOLUTION NO. 13-R-21**  
**(Mayor Tyler)**

- (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SR 306 & US 6 INTERSECTION #304; US 6 & SPERRY; GENERAL OBLIGATION BOND FUND #600; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 15, 2013 TO GENERAL OBLIGATION BOND FUND #600; GENERAL FUND #100; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED, AND DECLARING AN EMERGENCY.

Read by title only and placed on Second Reading.

**RESOLUTION NO. 13-R-22**  
**(Mayor Tyler)**

- (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW PROJECT #300; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 30, 2013 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on Second Reading.

**OLD BUSINESS (continued):**

**RESOLUTION NO. 13-R-23**  
**(Council President Umholtz)**

- **(Second Reading) - A RESOLUTION ACCEPTING THE PRELIMINARY PLAN OF ALPENROSE SUBDIVISION.**

Read by title only. Council President Umholtz noted that although the developer has submitted an amended plan pursuant to the Planning and Zoning Commission’s conditions of approval, some concerns were raised at the last meeting regarding whether the resolution should incorporate language acknowledging the amendment.

Mr. Skrbis moved to amend Resolution No. 13-R-23 to incorporate the following language to be added as Paragraph No. 3:

“**WHEREAS**, the developer incorporated the Planning and Zoning Commission conditions in an amended plan dated April 10, 2013; and”

Mr. Kirek provided the second to the motion to amend. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, UMHOLTZ, WEBBE, CATANIA, KIREK, POWELL AND SCHULZ. VOTING NAY: NONE).**

Following discussion, Andrew Loncar, on behalf of the property owner/developer, Planinka LLC, requested that Council waive the three readings and act on the legislation tonight so the developer can proceed in a timely manner. City Engineer Kiefer stated that he has not yet received the improvement plans, but that it does not affect the plat; he stated that he does not have any concerns with regard to approval of the preliminary plan. Mayor Tyler stated that typically this type of legislation receives three readings to give the residents adequate time to express their concerns and comments; however, there have already been several opportunities while this has been before Planning and Zoning and City Council.

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

**NEW BUSINESS:**

None.

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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 7:23 p.m.

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President of Council

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Clerk of Council