

KIRTLAND CITY COUNCIL MINUTES

December 2, 2013

The inaugural ceremony began at 7:00 p.m. Following the Pledge of Allegiance, the invocation was given by Rev. Dale Diggs, New Promise Church. Mayor Tyler welcomed all those present. Councilman Umholtz introduced Judge Mark J. Bartolotta, Lake County Court of Common Pleas, Probate Division. Councilmen-at-Large Douglas Davidson, Matthew Schulz and R. Robert Umholtz were administered the Oath of Office by Judge Bartolotta. Following an address by Judge Bartolotta, the inauguration ceremony concluded with a benediction by Rev. Tim French of Kirtland Christian Fellowship.

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The meeting of Kirtland City Council was called to order at 7:26 p.m. by Councilman R. Robert Umholtz. The members of Council present were: William Catania, Douglas Davidson, David Kirek, Timothy Powell, Matthew Schulz, Robert Skrbis and R. Robert Umholtz.

Administrative personnel present were: Mayor Mark Tyler, Finance Director Keith Martinet, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

ORGANIZATIONAL MEETING

RESOLUTION NO. 13-R-61 (Council as a Whole)

- **A RESOLUTION RECORDING THE ELECTION OF THE PRESIDENT OF COUNCIL FOR THE TERM ENDING NOVEMBER 30, 2014, AND DECLARING AN EMERGENCY.**

Mr. Umholtz announced that nominations were open for the Office of President of Council. Mr. Powell nominated Mr. Umholtz, with the second by Mr. Schulz. There being no further nominations, Mr. Kirek moved to close the nominations, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

The legislation was read by title only. Mr. Powell moved to adopt and confirm Mr. Umholtz as President of Council; Mr. Schulz provided the second. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE. ABSTAINING: UMHOLTZ).**

RESOLUTION NO. 13-R-62 (Council as a Whole)

- **A RESOLUTION RECORDING THE ELECTION OF THE COUNCIL PRESIDENT PRO TEMPORE FOR THE TERM ENDING NOVEMBER 30, 2014, AND DECLARING AN EMERGENCY.**

Mr. Umholtz announced that nominations were open for the Office of Council President Pro Tempore. Mr. Kirek nominated Mr. Powell, with the second by Mr. Catania. There being no further nominations, Mr. Skrbis moved to close the nominations, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: CATANIA, DAVIDSON, KIREK, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: POWELL).**

The legislation was read by title only. Mr. Kirek moved to adopt and confirm Mr. Powell as Council President Pro Tempore; Mr. Catania provided the second. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: CATANIA, DAVIDSON, KIREK, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: POWELL).**

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It was noted that the three readings should have been waived for the two previous Resolutions. Mr. Davidson moved to suspend the rules of Council in order to return to Resolution No. 13-R-61 and Resolution No. 13-R-62 for the purpose of waiving the three reading requirement. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 13-R-61

Mr. Skrbis moved to waive the three readings and declare an emergency for Resolution No. 13-R-61; Mr. Davidson provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 13-R-62

Mr. Skrbis moved to waive the three readings and declare an emergency for Resolution No. 13-R-62; Mr. Davidson provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

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RETURN TO ORGANIZATIONAL MEETING;

RESOLUTION NO. 13-R-63 - **A RESOLUTION APPOINTING DENISE A. ROELLE AS CLERK OF COUNCIL AND ESTABLISHING WAGE AND DUTIES, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

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, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Davidson. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: CATANIA, DAVIDSON, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE).**

RESOLUTION NO. 13-R-64 - **A RESOLUTION RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2013 THROUGH NOVEMBER 30, 2014, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

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

REGULAR MEETING**MINUTES OF THE NOVEMBER 18, 2013 WORK SESSION:**

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, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: DAVIDSON).**

MINUTES OF THE NOVEMBER 18, 2013 COUNCIL MEETING:

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, as presented, 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: DAVIDSON).**

PUBLIC HEARING**Ordinance No. 13-O-59 and Ordinance No. 13-O-60****Amendments to Codified Ordinances Relating to Approved Private Drives**

Council President Umholtz opened the public hearing in regard to the above-noted proposed ordinances. Planning and Zoning Commission Chairman Michael Denk and Planning and Zoning Commission member Kevin Eilerman were present to address any questions that may arise. There were no questions or comments from the public or from Council. Mr. Kirek moved to close the public hearing, with the second by Mr. Powell. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: DAVIDSON).**

DEPARTMENT REPORTS

Fire Chief Anthony Hutton congratulated the Councilmen-at-Large, noting that he looks forward to working with each of them. Chief Hutton advised that the monthly report has been distributed.

Police Chief Wayne Baumgart congratulated the Council-at-Large members. Chief Baumgart advised that the City received the Platinum Award for safety from AAA, noting that the award is the result of a combined effort of the Departments, including not only the Police Department, but also the Service Department and Fire Department, for improvements that have been made in the City. Chief Baumgart publicly thanked Mrs. Kravos for her work in preparing the report.

Chief Baumgart advised that the formal report has been distributed.

Service Administrator Carm Catania congratulated the Councilmen-at-Large; he did not present a formal report.

Councilman Davidson stated appreciation for the work done by the Service Department in the center of Route 306 trying to preserve the road. Noting that he has received inquiries from constituents, Mr. Davidson inquired about providing yellow stripes in the center of the road. Mr. Catania stated that he will discuss this with the Mayor, noting that if it cannot be done now due to the budget or the weather, "no pavement markings" signs could be placed.

Finance Director Keith Martinet did not present a formal report. Mr. Martinet congratulated the new and re-elected Council members. Mr. Martinet advised that the amended appropriation will be on the agenda for passage at the next meeting.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler congratulated the newly elected members of Council; he also congratulated Mr. Umholtz and Mr. Powell as Council President and Council President Pro Tempore.

The Mayor noted that City Engineer Kiefer is on vacation, and Law Director Richards is attending to a family emergency. Mayor Tyler noted that Police Officer Valenti's mother-in-law recently passed away.

Mayor Tyler stated that the ecumenical church service at the Kirtland Temple was held last Tuesday evening, noting that it was very well attended. The Mayor noted that the lighting ceremony at Historic Kirtland was held on Friday evening.

Mayor Tyler commented on the nice turnout of family and friends for tonight's ceremony.

With regard to the AAA Platinum Award announced by Chief Baumgart, Mayor Tyler stated his thanks to the Departments for the team effort.

Mayor Tyler stated that while serving as Grand Jury Foreman for Judge Mitrovich, he had the pleasure of working with the Prosecutor's Office and Judge Bartolotta, who was in the Prosecutor's Office at that time. Mayor Tyler noted that he appreciated what Judge Bartolotta brought to the Prosecutor's Office, and he congratulated Judge Bartolotta on his appointment to the Probate Court bench.

STANDING COMMITTEE REPORTS:

Upon the request of Councilman Skrbis, it was agreed that a meeting of the Recreation Standing Committee be held following the next regular Council meeting on December 16.

Noting that new Standing Committee appointments need to be made, Council President Umholtz asked Council members to let him know if they have any preferences.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 13-O-57
(Mayor Tyler)

- **(Second Reading)** - **AN ORDINANCE
DESIGNATING FINANCIAL INSTITUTIONS AS
PUBLIC DEPOSITORIES.**

Read by title only and placed on Second Reading.

OLD BUSINESS (continued):

ORDINANCE NO. 13-O-58 - (Second Reading) - AN ORDINANCE PROVIDING
(Mayor Tyler) TEMPORARY APPROPRIATIONS FOR THE
THREE MONTH PERIOD ENDING MARCH 31,
2014.

Read by title only and placed on Second Reading.

ORDINANCE NO. 13-O-59 - (Second Reading) - AN ORDINANCE AMENDING
(Council President Umholtz) §1240.07, §1242.06, §1244.035, §1244.04(b),
§1244.10, §1244.14(b)(7), §1246.01, §1246.02,
§1246.03, §1246.04, §1246.05(a), §1246.06,
§1246.10(i), §1246.11, §1246.14(b)(4), §1248.05,
§1248.08 and §1248.10(a) OF THE CODIFIED
ORDINANCES OF THE CITY OF KIRTLAND,
RELATING TO APPROVED PRIVATE DRIVES, TO
PROVIDE CONSISTENCY WITH ZONING
AMENDMENTS APPROVED BY THE
ELECTORATE IN NOVEMBER OF 2010.

Read by title only and placed on Second Reading.

ORDINANCE NO. 13-O-60 - (Second Reading) - AN ORDINANCE AMENDING
(Council President Umholtz) §1261.02(u), §1261.07, §1261.08(e)(1),
§1268.07(b), AND §1268.15 OF THE CODIFIED
ORDINANCES OF THE CITY OF KIRTLAND,
RELATING TO APPROVED PRIVATE DRIVES, TO
PROVIDE CONSISTENCY WITH ZONING
AMENDMENTS APPROVED BY THE
ELECTORATE IN NOVEMBER OF 2010.

Read by title only and placed on Second Reading. Councilman Powell thanked Mr. Denk and Mr. Eilerman, noting that the Planning and Zoning Commission did a wonderful job and tirelessly worked on this matter to determine what is best for this community.

NEW BUSINESS:

None.

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Umholtz welcomed Councilman Davidson; and noted that he hopes to see everyone Friday (at the State championship game).

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Catania. The motion of Council passed by unanimous vote. The time was 7:47 p.m.

President of Council

Clerk of Council