

## KIRTLAND CITY COUNCIL MINUTES

November 4, 2009

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President R. Robert Umholtz. Councilman Webbe led the prayer which followed the Pledge of Allegiance. The members of Council present were: Royal Brettrager, Douglas Davidson, David Kirek, Timothy Powell, Robert Skrbis, R. Robert Umholtz and Donald Webbe.

Administrative personnel present were: Mayor Mark A. Tyler, Assistant Law Director Michael Germano, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

### MINUTES OF THE OCTOBER 19, 2009 WORK SESSION:

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

### MINUTES OF THE OCTOBER 19, 2009 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE, BRETTRAGER AND DAVIDSON. VOTING NAY: NONE).**

### MINUTES OF THE OCTOBER 19, 2009 FINANCE COMMITTEE MEETING:

Mr. Kirek moved to waive the reading of the Minutes, with the second by Mr. Davidson. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, with the second by Mr. Davidson. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE, BRETTRAGER AND DAVIDSON. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

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

**Police Chief Wayne Baumgart** stated that the formal report has been distributed. Chief Baumgart advised that there have been nine deer/car accidents this year, and there were 23 deer harvested; he noted that these figures represent a decrease from last year.

**Service Administrator Carm Catania** did not present a formal report and no questions were asked of him.

**City Engineer Philip Kiefer** offered congratulations to the re-elected and newly elected Council members, and to the newly elected school board member. Mr. Kiefer advised that his monthly report for October has been distributed.

Mr. Kiefer advised that a pre-construction meeting was held this morning with regard to the Templeview pump station, noting that the contractor will begin construction in the spring.

**DEPARTMENT REPORTS (continued):**

Responding to Councilman Powell, Mr. Kiefer advised that the black plastic pipe on the Route 306 hillside is for the Markell pump station force main. Responding to Councilman Webbe, Mr. Kiefer advised that the pump station will be located on the south side of Markell Road between the river and Markell Road.

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

**Assistant Law Director Michael Germano** did not present a formal report and no questions were asked of him.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

**Mayor Mark Tyler** offered congratulations to Council President Umholtz and Councilman Webbe on their re-election to Council, to Councilman Brettrager on his election to the School Board, and to Councilman-elect Matt Schulz on his election to City Council.

Mayor Tyler noted that he, City Engineer Kiefer and Service Administrator Catania were in attendance at the Templeview pump station pre-construction meeting this morning at City Hall. The Mayor noted that on Monday he signed the remaining paperwork with regard to this project.

Mayor Tyler advised that a senior center open house and Halloween party were held last Thursday at the Community Center, noting that many of the grandparents brought their grandchildren to the party. The Mayor noted that it was well attended and will likely become an annual event.

Responding to an inquiry from Councilman Davidson concerning sewer service for Templeview, Mayor Tyler advised that the Templeview area will be tied into the Route 306 sewer system once that project is complete.

Referring to recent correspondence from Diane Borthwick of Prelog Lane, Councilman Skrbis inquired whether the City has responded to her with regard to completion of the Euclid-Chardon Road and Sperry Road intersection project. Mayor Tyler advised that he has been in contact with Mrs. Borthwick. Responding to Councilman Davidson, Mayor Tyler stated that the plan is to proceed with this project in 2010.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

Council President Umholtz reported on the following:

1. Zoning Permit Request: **Rob Leber of B. R. Knez Construction** was present on behalf of Tom and Anne Torzok to request Council approval for the issuance of a zoning permit for Sublot 67 in Rocking Horse Farms Subdivision, Phase IV. City Engineer Philip Kiefer advised that the site plan has been approved and he recommended that Council authorize the issuance of a zoning permit. Mr. Kirek moved to grant the approval, with the second by Mr. Webbe. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE, BRETTRAGER AND DAVIDSON. VOTING NAY: NONE).**

**CORRESPONDENCE (continued):**

- 2. Notice that the Planning and Zoning Commission will hold a public hearing on November 9, 2009, at its regular meeting at 7:00 p.m., in regard to proposed Chapter 1446, Flood Damage Reduction.
- 3. Fax correspondence dated November 4, 2009 from Aqua Ohio with regard to their request for a water rate increase.

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

None.

**OLD BUSINESS:**

**RESOLUTION NO. 09-R-47**  
(Mayor Tyler)

- (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; WASTE WATER PLANT #500; WASTE WATER PLANT #501; WASTE WATER PLANT #502; SAID FUNDS TO BE TRANSFERRED TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED AND DECLARING AN EMERGENCY.

Read by title only. The legislation was placed on Second Reading.

**NEW BUSINESS:**

**RESOLUTION NO. 09-R-51**  
(Council President Umholtz)

- A RESOLUTION REPEALING RESOLUTION NO. 05-R-47 AND INCREASING THE COMPENSATION PAID TO THE MEMBERS OF COUNCIL, AND DECLARING AN EMERGENCY.

Read by title only. Council President Umholtz stated that he would entertain a motion to adjourn into executive session to discuss personnel and compensation, pursuant to Article 1, Section 7(a) of the City Charter. Mr. Davidson so moved, and Mr. Brettrager provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SKRBIS, UMHOLTZ, WEBBE, BRETTRAGER AND DAVIDSON. VOTING NAY: NONE).** The time was 7:14 p.m.

**RETURN TO REGULAR SESSION (8:20 P.M.)**

Mr. Kirek moved to adjourn the executive session, with the second by Mr. Webbe. The motion of Council passed by unanimous vote. Immediately thereafter, Mr. Kirek moved to reconvene the regular session, with the second by Mr. Webbe. The motion of Council passed by unanimous vote, whereupon the regular session of Council reconvened.

**RETURN TO NEW BUSINESS – RESOLUTION NO. 09-R-51**

Upon Council’s return to the regular session, Resolution No. 09-R-51 was placed on First Reading.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Council President Umholtz advised that Council will hold a special meeting on Monday, November 9, 2009 at 7:00 p.m., for the purpose of convening into executive session to discuss personnel and compensation.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Kirek moved to adjourn, with the second by Mr. Brettrager. The motion of Council passed by unanimous vote. The time was 8:26 p.m.

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President of Council

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Clerk of Council