

KIRTLAND CITY COUNCIL MINUTES

May 21, 2012

The meeting of Kirtland City Council was called to order at 7:10 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 and Police Chief Wayne Baumgart. Fire Captain Douglas Bode was present in the absence of Fire Chief Anthony Hutton.

MINUTES OF THE MAY 7, 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: UMHOLTZ, WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Captain Douglas Bode did not present a formal report and no questions were asked of him.

Police Chief Wayne Baumgart gave no formal report and no questions were asked of him.

Service Administrator Carm Catania did not present a formal report. Responding to Councilman Schulz regarding downed lines on the east side of the Community Center, Mr. Catania advised that CEI took care of it this morning and that the lines on the ground are dead.

Mr. Schulz advised that the school zone crossing flasher was twisted by the wind. Mr. Catania stated that he will take care of this.

City Engineer Philip Kiefer did not present a formal report. Responding to Councilman Skrbis with regard to dumping activity on the residential portion of Mr. Excavator's property, Mr. Kiefer advised that he issued a cease and desist order.

Mr. Skrbis inquired about work being done on the property of New Promise Church, noting that he received a call from an adjoining property owner about the activity on the property. Mr. Catania stated that they are clearing an area for the children to play baseball. Mr. Catania noted that they are leveling off an area but are not moving a lot of soil. Councilman Powell inquired whether the proposed day care use at New Promise Church is allowed; Mr. Catania replied affirmatively.

Mr. Skrbis stated that he heard that the apartments in the downtown area were going to become Section 8 housing, and he inquired whether Council approval is needed. Mr. Umholtz noted that it would not be a change in the use. Law Director Richards advised that he will look into this, but that he does not believe Council would have any authority in this regard.

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

Law Director Daniel Richards gave no formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler noted that the Kirtland Public Utilities Commission will meet following the next regular Council meeting.

Mayor Tyler advised that Council has been provided with a copy of Resolution No. 12-R-18 regarding the agreement with the Ohio Department of Transportation for the purchase of salt; he requested that Council add this to the agenda.

The Mayor advised that Junior Olympics has been scheduled for June 22; and the Strawberry Festival will be held Father's Day weekend, with the parade on Friday evening, June 15.

Mayor Tyler stated that the comprehensive plan is progressing, noting that he met last week with Ken Crandall and Craig Cawrse. He advised that the Planning and Zoning Commission will hold a public hearing soon in this regard, and that the proposed comprehensive plan should be submitted to Council in a few months.

The Mayor noted that he attended Congressman LaTourette's annual Mayor's conference in Washington, D.C. last week. He stated that one of the speakers addressed a land bank for Lake County, noting that the county would be allocated a certain amount of money to take care of and raze abandoned homes. The Mayor noted that abandoned homes bring down the values of surrounding homes. Mayor Tyler noted that funds should be available later this year.

Noting that Mentor City Manager Ken Filipiak is responsible for nominations for OPWC District 7 Integrate Committee, Mayor Tyler stated that one representative will be Kip Molenaar, City Administrator for Mentor-on-the-Lake, with Willoughby Mayor Dave Anderson as the alternate; the other representative will be Ken Filipiak, with Mayor Tyler as the alternate. Mayor Tyler advised that he will also retain his position on the NOACA Board.

Councilman Skrbis inquired whether there is a ban on overnight parking of vehicles on the city streets. Chief Baumgart replied affirmatively, and Mr. Skrbis noted that for the past month, a pick-up truck is often left overnight on Christina Drive. Mr. Skrbis stated that it is dangerous at night, because the vehicle is sometimes parked close to the stop sign.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

RESOLUTION NO. 12-R-15
(Mayor Tyler)

- (Third Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JUNE 30, 2012 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

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

RESOLUTION NO. 12-R-16
(Mayor Tyler)

- (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW PROJECT #300; GENERAL OBLIGATION BOND FUND #600; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE JULY 15, 2012 TO GENERAL OBLIGATION BOND FUND #600; GENERAL FUND #100; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on Second Reading.

NEW BUSINESS:

ORDINANCE NO. 12-O-17
(Mayor Tyler)

- AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN CORRECTIONS TO THE CODIFIED ORDINANCES; AND TO PROVIDE FOR THE PUBLICATION OF SUCH NEW MATTER, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Webbe moved to waive the three readings, with the second by Mr. Kirek. Councilman Powell questioned whether emergency language is necessary to correct a clerical issue. Council President Umholtz noted that it will correct the existing code, and the emergency language will provide for the legislation to be in effect upon the Mayor’s signature. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: UMHOLTZ, WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: UMHOLTZ, WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

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At the request of Council President Umholtz, Mr. Skrbis moved to suspend the rules of Council relative to the introduction of 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: UMHOLTZ, WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

NEW BUSINESS (continued):

RESOLUTION NO. 12-R-18
(Mayor Tyler)

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A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.

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

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Schulz advised that Senate Bill 343, which is the alternative plan design for the Ohio Public Employees Retirement System, passed as a bipartisan unanimous bill last week. Mr. Schulz noted that, as it stands right now, the legislation will not be looked at in the House until after the study is done; they may reconvene during the summer months to look at it, and there is a possibility that something will be seen later this summer. Responding to Mayor Tyler, Mr. Schulz advised that the changes should take effect as early as 2014 and will be phased in over a three-year period. Mr. Schulz advised that there are three groups, based on the length of time until employees are eligible for retirement.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote and the meeting adjourned at 7:30 p.m.

President of Council

Clerk of Council