

KIRTLAND CITY COUNCIL MINUTES

October 15, 2012

The meeting of Kirtland City Council was called to order at 7:13 p.m. by Council President Pro Tempore Timothy Powell. 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 and Donald Webbe. Absent: R. Robert Umholtz.

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 Fire Chief Anthony Hutton. Police Sergeant Ronald Andolsek was present in the absence of Police Chief Wayne Baumgart.

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At the request of Council President Pro Tempore Powell, Mr. Webbe 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, and out of sequence from the usual format of the agenda. Mr. Kirek provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SKRBIS, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE).**

RESOLUTION NO. 12-R-53
(City Council and Mayor)

- **A RESOLUTION OF THE CITY OF KIRTLAND JOINING THE KIRTLAND CITY SCHOOL DISTRICT IN SUPPORT OF ISSUE 3 AND ISSUE 5, AND DECLARING AN EMERGENCY.**

Mr. Powell read the resolution in its entirety. Mr. Webbe moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SKRBIS, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE).** Mr. Webbe moved to adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SKRBIS, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE).**

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MINUTES OF THE OCTOBER 1, 2012 WORK SESSION:

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 4/0/2 (VOTING YEA: SCHULZ, WEBBE, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SKRBIS AND CATANIA).**

MINUTES OF THE OCTOBER 1, 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 4/0/2 (VOTING YEA: SCHULZ, WEBBE, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SKRBIS AND CATANIA).**

DEPARTMENT REPORTS:

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

Police Sergeant Ronald Andolsek gave no formal report and no questions were asked of him.

Service Administrator Carm Catania advised that the Kirtland Baseball League is supplying materials for the City to complete extensive improvements at the Recreation Park; he noted that the work should be completed within the next couple weeks.

Councilman Skrbis stated that he received a call from a Wisner Road resident regarding the condition of the road, noting that he also left a message in this regard. Mr. Catania stated that he believes this may have already been addressed, but that he will look into this further. Mr. Skrbis stated that he also received a call from a resident about the condition of the roads in Kirtland Lakes Estates. Mr. Catania stated that if the budget allows, more patching will be done. Mr. Skrbis stated that he will provide Mr. Catania with the names of two gentlemen who contacted him about the road levy.

City Engineer Philip Kiefer did not present a formal report and no questions were asked of him.

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

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler noted that the Kirtland Fire Department was involved in responding to a large industrial fire in Painesville Township last Thursday.

The Mayor advised that Police Chief Baumgart recently completed the FBI National Academy Associates Ethics Leadership Seminar.

Mayor Tyler stated that it was a successful "shred day" on October 6 at the Community Center, noting that there was a steady flow of traffic all day.

Mayor Tyler stated that work has begun on next year's budgetary process, noting that information will be sent to the Department Heads by the end of the month. The Mayor noted that the budget will be contingent on the outcome of the road levy; he encouraged support of the levy on November 6.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Margaret Hommel, 10347 Hillsover Drive and Joyce Raymond, 9855 West Alpine Drive, addressed Council with regard to South Kirtland Cemetery and inquired about changing the sign to read "Historical South Kirtland Cemetery". Mrs. Hommel stated that it is historical, noting that settlers are buried there, along with "gatherers" from Old South Church, where she is affiliated. Mrs. Hommel stated that the Crary family is buried there, and that there is a marker from the Lake County Historical Society, although it does not state the exact location of the Crary family. She noted that the Crary's also lived on that property when they first came to Kirtland.

Mrs. Hommel stated that she noticed the sign at North Kirtland Cemetery, which was done by an Eagle Scout, with the names of the people buried at that cemetery; and she inquired whether it might be possible to do something similar, in a smaller fashion, at South Kirtland Cemetery.

Mayor Tyler stated that the Eagle Scout did a great job with the sign at North Cemetery, noting that there have been many Eagle Scouts from the Boy Scout Troup at Old South Church. He stated that if there are any Eagle Scouts looking for a project, the City would support a similar project at South Cemetery. With regard to renaming the cemetery, Mayor Tyler stated that he will discuss this further with Service Administrator Carm Catania and Larry Spence, the Cemetery Sexton. Councilman Powell suggested that the Mayor ask Mr. Spence to contact Mrs. Hommel and Mrs. Raymond when there is a decision.

Kevin Potter, 7851 Russellhurst Drive, addressed Council as a concerned citizen with regard to a process known as hydraulic fracturing that has moved into the state. He stated that the process involves new methodology in drilling for gas and oil, which is taking place around the country. Mr. Potter stated that there is much documentation stating that this is not in our best interests from an environmental standpoint and a health standpoint. He stated that he is working with a group of citizens in Lake County to bring this to the attention of the Councils and Trustees. Mr. Potter distributed copies of an article, along with sample resolution language. He noted that the article describes the process of hydraulic fracturing and the fact that the state is taking away control from the cities, noting that the resolution addresses the loss of local control. Mr. Potter requested that Council consider passing the resolution and sending it to the State, sending the message that the laws should be reconsidered to give each community the ability to determine whether they will allow fracking. Mr. Potter stated that he would be happy to answer any questions that Council members may have in this regard; he provided his telephone number in the event that any questions arise after tonight's meeting. Mr. Potter thanked Council for the opportunity to speak in this regard.

OLD BUSINESS:

RESOLUTION NO. 12-R-48
(Mayor Tyler)

- (Third Reading) - A RESOLUTION TO
AUTHORIZE AND APPROVE THE TRANSFER OF
FUNDS FROM THE GENERAL FUND #100; SAID
FUNDS TO BE TRANSFERRED BY OR BEFORE
NOVEMBER 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. Kirek. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SKRBIS, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE).**

NEW BUSINESS:**RESOLUTION NO. 12-R-49**
(Mayor Tyler)

- A RESOLUTION AUTHORIZING THE CITY OF KIRTLAND, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE U.S. ROUTE 6 DRAINAGE – PHASE 2 PROJECT, AND DECLARING AN EMERGENCY.

Read by title only. Mayor Tyler requested that Council waive the three readings and adopt the legislation as an emergency, due to the deadline at the end of this month. Mr. Webbe moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SKRBIS, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SKRBIS, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE).**

RESOLUTION NO. 12-R-50
(Mayor Tyler)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS FOR THE TEMPORARY OPERATION AND MAINTENANCE OF THE TEMPLE VIEW AREA SANITARY SEWER SYSTEM, AND DECLARING AN EMERGENCY.

Read by title only and placed on First Reading.

ORDINANCE NO. 12-O-51
(Mayor Tyler)

- AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,060,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE REFUNDING BONDS (SERIES 1998) DATED AS OF MAY 1, 1998, AND DECLARING AN EMERGENCY.

Read by title only and placed on First Reading. It was noted that prior to the Council meeting, the Finance Director signed and presented to the Clerk of Council the Fiscal Officer's Certificate in this regard.

RESOLUTION NO. 12-R-52
(Mayor Tyler)

- A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE DECEMBER 31, 2012 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on First Reading.

CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Noting that the election will be completed by the time Council meets again, Councilman Skrbis commented on the fact that this is a highly contested election; he stated that citizens should treat one another as they would wish to be treated and move forward after the election.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Webbe moved to adjourn, with the second by Mr. Kirek. The motion of Council passed by unanimous vote and the meeting adjourned at 7:39 p.m.

President of Council

Clerk of Council