

## **KIRTLAND CITY COUNCIL MINUTES**

**December 17, 2012**

The meeting of Kirtland City Council was called to order at 7:10 p.m. by Council President Pro Tempore Timothy Powell. Following the Pledge of Allegiance, Mr. Webbe asked for a moment of silence in remembrance of the victims of the recent tragedy in Connecticut. 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 Police Chief Wayne Baumgart. Fire Captain Douglas Bode was present in the absence of Fire Chief Anthony Hutton.

### **MINUTES OF THE DECEMBER 3, 2012 WORK SESSION:**

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 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

### **MINUTES OF THE DECEMBER 3, 2012 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, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: 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** did not present a formal report. Chief Baumgart noted that a new part-time police officer will be sworn in tonight. Chief Baumgart introduced Officer Jose Carillo and asked him to come forward. Mayor Tyler administered the oath, and Officer Carillo received the applause of all those present. Chief Baumgart stated that he is happy to have Officer Carillo with the Police Department.

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

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

**Finance Director Keith Martinet** stated that he prepared, posted and distributed the November financial statements. Mr. Martinet wished everyone present a happy holiday.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Tyler advised that last Thursday the Senior Center held its annual Christmas party at Pine Ridge Country Club; he noted that it was a very nice event, with 200 seniors in attendance.

Mayor Tyler stated that he attended the monthly NOACA meeting last Friday.

The Mayor noted that the Fire Department handled a rescue situation in Chapin Forest last Friday evening, noting that Captain Bode was instrumental in the rescue.

Mayor Tyler wished Council members a Merry Christmas and a happy and safe New Year.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

None.

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

None.

**OLD BUSINESS:**

**ORDINANCE NO. 12-O-56** - (Third Reading) - **AN ORDINANCE ADOPTING  
(Council President Umholtz) A COMPREHENSIVE PLAN UPDATE FOR THE  
CITY OF KIRTLAND, OHIO.**

Read by title only. Pursuant to the recommendation of the Planning and Zoning Commission, Mr. Webbe moved to amend the Ordinance to correct the comprehensive plan map of the City to be consistent with the map of the Historic Town Center. Mr. Kirek provided the second. It was noted that copies of the proposed corrected map were distributed to Council members. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).** It was noted that the legislation reverts to Second Reading as a result of the amendment.

Mr. Webbe moved to waive the three readings, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).** Mr. Skrbis moved to adopt the legislation, as amended. Mr. Kirek provided the second. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**ORDINANCE NO. 12-O-57** - (Third Reading) - **AN ORDINANCE DESIGNATING  
(Mayor Tyler) FINANCIAL INSTITUTIONS AS PUBLIC  
DEPOSITORIES.**

Read by title only. Mr. Schulz moved to adopt, with the second by Mr. Catania. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**OLD BUSINESS (continued):****ORDINANCE NO. 12-O-58**  
(Mayor Tyler)

- (Third Reading) - AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE MONTH PERIOD ENDING MARCH 31, 2013.

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Catania. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**RESOLUTION NO. 12-R-59**  
(Mayor Tyler)

- (Third Reading) - A RESOLUTION SUPPORTING THE STATE OF OHIO AUDITOR'S PUBLIC WORKS NON-EMERGENCY AND EMERGENCY SHARED SERVICES AGREEMENT.

Read by title only. Mr. Kirek moved to adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**NEW BUSINESS:****RESOLUTION NO. 12-R-65**  
(Council President Umholtz)

- A RESOLUTION ESTABLISHING STANDING COMMITTEES OF COUNCIL, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED: 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Kirek. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**ORDINANCE NO. 12-O-66**  
(Mayor Tyler)

- AN ORDINANCE AMENDING ORDINANCE NO. 12-O-9 RELATING TO THE APPROPRIATION FOR THE YEAR 2012.

Read by title only. Mr. Kirek moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED: 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**ORDINANCE NO. 12-O-67**  
(Mayor Tyler)

- AN ORDINANCE LEVYING LIENS FOR DELINQUENT SANITARY SEWER CHARGES, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Webbe moved to waive the three readings, with the second by Mr. Catania. **ROLL CALL: MOTION CARRIED: 6/0 (VOTING YEA: 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 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**NEW BUSINESS (continued):****RESOLUTION NO. 12-R-68**  
(Mayor Tyler)

- A RESOLUTION CONFIRMING THE REAPPOINTMENT OF RICHARD P. DEMARCO TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED: 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**RESOLUTION NO. 12-R-69**  
(Mayor Tyler)

- A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DR. WILLIAM J. KOENIG TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED: 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).** Referring to this Resolution and the previous Resolution reappointing Mr. DeMarco to the Planning and Zoning Commission, Councilman Powell stated that the City is fortunate to have these two outstanding individuals on these boards. Mr. Kirek moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: WEBBE, CATANIA, KIREK, POWELL, SCHULZ AND SKRBIS. VOTING NAY: NONE).**

**ORDINANCE NO. 12-O-70**  
(Mayor Tyler)

- AN ORDINANCE REPEALING SECTION 1042.047 AND ENACTING SECTION 1042.08 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO CONNECTION TO SANITARY SEWER SYSTEMS.

Read by title only and placed on First Reading.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Skrbis stated that it is probable that he will not be present for the January 7 meeting; he also wished everyone a Merry Christmas and a Happy New Year.

**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.

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President of Council

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Clerk of Council