

KIRTLAND CITY COUNCIL MINUTES

September 16, 2013

The meeting of Kirtland City Council was called to order at 7:02 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 Fire Chief Anthony Hutton. Police Sergeant Ronald Andolsek was present in the absence of Police Chief Wayne Baumgart.

MINUTES OF THE SEPTEMBER 4, 2013 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 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND CATANIA. VOTING NAY: NONE).**

MINUTES OF THE SEPTEMBER 4, 2013 COUNCIL MEETING:

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, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND CATANIA. VOTING NAY: NONE).**

MINUTES OF THE SEPTEMBER 11, 2013 SPECIAL 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 6/0/1 (VOTING YEA: POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND CATANIA. VOTING NAY: NONE. ABSTAINING: KIREK).**

DEPARTMENT REPORTS:

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

Police Sergeant Ronald Andolsek advised that a new police officer will be sworn in tonight. Sergeant Andolsek introduced Edward Hunziker and asked him to come forward. Mayor Tyler administered the oath, and Officer Hunziker received the applause of all those present. The Mayor and Council members offered their congratulations to Officer Hunziker.

Service Administrator Carm Catania did not present a formal report. Referring to Kirtland South Cemetery, Councilman Powell noted that there was discussion at a previous Council meeting about obtaining a new sign that reads "Historic Kirtland South Cemetery". Mr. Catania stated that he had contacted the two ladies who brought this matter up at the meeting, but they have not responded.

DEPARTMENT REPORTS (continued):

Councilman Skrbis thanked Mr. Catania and Mr. Kiefer for the work that was done in Kirtland Lakes Estates. Mr. Skrbis noted that he received a call from a resident stating that there is always standing water underneath the stop sign exiting Kirtland Lakes Estates; and the resident was concerned about loose asphalt. Mr. Catania stated that the Service Department has been doing some patching, and they are grinding off the loose asphalt. He stated that he will see what can be done about the standing water.

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

Finance Director Keith Martinet advised that the financial report will be distributed later this week.

Law Director Daniel Richards did not present a formal report. Councilman Schulz inquired about recovery of damages when a vehicle hits a sign, guard rail, etc. Mr. Richards advised that the City pursues payment for damages from the responsible party, and their insurance company is required to pay if there is proven damage.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Tyler advised that the State Route 306 resurfacing project is commencing today; he noted that the project will take several weeks to complete.

The Mayor noted that work began today on the replacement of the package plant at the Community Center.

Mayor Tyler noted that the City received quite a few thank-you notes for recent work performed by the Public Works Department. The Mayor noted that residents attended a few Council meetings with various issues, and all of their issues have been resolved satisfactorily.

Mayor Tyler offered his congratulations to Officer Hunziker and welcomed him to the City.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Doug Davidson, 10290 Chillicothe Road, noted that on the right side of Route 306, travelling south up the hill, the road is cracking and falling apart; he inquired about the plan to fix it. Mr. Kiefer advised that he is aware of this, noting that it has been failing for several years. Mr. Kiefer stated that the City could apply for Issue 1 funding next year, noting that it should have a good chance of receiving funding due to the heavy traffic on Route 306. Responding to Council President Umholtz, Mr. Kiefer stated that if funding is approved next year, the funds would be available and the project would start one year from this coming July.

OLD BUSINESS:**RESOLUTION NO. 13-R-44**
(Mayor Tyler)

- (Third Reading) - A RESOLUTION ACCEPTING THE BID OF S. E. T., INC. FOR THE KIRTLAND ROAD SANITARY SEWER IMPROVEMENTS PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH S. E. T., INC., AND DECLARING AN EMERGENCY.

Read by title only. Mr. Webbe moved to declare an emergency and adopt, with the stipulation that the Notice of Award not be issued until the contractor receives a license from Lake County. Mr. Skrbis provided the second. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND CATANIA. VOTING NAY: NONE).**

ORDINANCE NO. 13-O-46
(Council President Umholtz)

- (Third Reading) - AN ORDINANCE AMENDING SECTION 1292.05 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO APPLICATIONS FOR CO-LOCATION, REMOVAL OR REPLACEMENT ON OR OF EXISTING WIRELESS FACILITIES.

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

NEW BUSINESS:**RESOLUTION NO. 13-R-48**
(Mayor Tyler)

- A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE NOVEMBER 30, 2013 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on First Reading.

RESOLUTION NO. 13-R-49
(Mayor Tyler)

- A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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

NEW BUSINESS (continued):

ORDINANCE NO. 13-O-50
(Mayor Tyler)

- **AN ORDINANCE AMENDING CHAPTER 1456 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO UNSAFE BUILDINGS, BY ADDING SECTION 1456.04 AND AMENDING SECTION 1456.99 REGARDING ADMINISTRATIVE SEARCH WARRANTS AND PENALTIES, AND DECLARING AN EMERGENCY.**

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

ORDINANCE NO. 13-O-51
(Mayor Tyler)

- **AN ORDINANCE AMENDING SECTION 1462.23 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO EXTERIOR PROPERTY MAINTENANCE AND THE RIGHT OF ENTRY, AND AMENDING SECTION 1462.99 REGARDING PROSECUTION OF VIOLATIONS, AND DECLARING AN EMERGENCY.**

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

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Skrbis suggested that consideration be given to including the ward number for each councilman on the nameplates, noting that some people do not know who their councilman is. Council President Umholtz requested that the Clerk of Council look into the cost that would be involved.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Catania. The motion of Council passed by unanimous vote and the meeting adjourned at 7:25 p.m.

President of Council

Clerk of Council