

KIRTLAND CITY COUNCIL MINUTES

December 19, 2011

The meeting of Kirtland City Council was called to order at 7:12 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. Sergeant Ronald Andolsek was present in the absence of Police Chief Wayne Baumgart.

MINUTES OF THE DECEMBER 1, 2011 ORGANIZATIONAL 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: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

MINUTES OF THE DECEMBER 5, 2011 WORK SESSION:

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 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

MINUTES OF THE DECEMBER 5, 2011 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 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

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 did not give a formal report and no questions were asked of him.

City Engineer Philip Kiefer gave no formal report and no questions were asked of him.

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

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler advised that the Kirtland Senior Center annual Christmas party was held on Thursday, December 8; he noted that this year's party had the largest attendance to date.

The Mayor noted that the Planning and Zoning Commission began work this month on the Comprehensive Plan update.

Mayor Tyler noted that Jan Clair retired from the Lake County Board of Elections after 30 years, and that Judge Allen will be retiring after 18 years of public service.

Mayor Tyler extended his wishes for a Merry Christmas to members of Council and the Administration.

Responding to Councilman Powell with regard to the budget, Mayor Tyler advised that the first round of budget hearings have already been held, and the second round of hearings will begin over the holidays. He noted that final year-end numbers will be available in early January, and the budget will be presented to Council in early February, following his meeting with Mr. Kirek. Mayor Tyler stated that work on the five-year plan has not yet been started.

Councilman Powell noted that he would like to see funding in the budget for stormwater issues. Mr. Powell also requested that the budget include funds to complete the sidewalk in the downtown area, as well as crosswalks and signage. Mayor Tyler stated that he would like to meet with Council in a work session regarding the approach to stormwater management. Mayor Tyler stated that the sidewalks need to be completed; he noted that he spoke with Councilman Schulz with regard to the crosswalks and that he will address that again.

Mayor Tyler noted that the informational meeting held with the Temple View residents a few weeks ago was well attended and that the City has already received completed paperwork from about a dozen property owners with regard to connecting to the sewer.

STANDING COMMITTEE REPORTS:

As Chairman of the Planning and Zoning Standing Committee, Councilman Powell advised that at the last Planning and Zoning Commission meeting there was discussion concerning topics for the combined meeting with Council. Mr. Powell suggested that internet cafés be discussed at the meeting, noting that this type of use could be a source of revenue. A brief discussion ensued, and Council President Umholtz requested that the Clerk of Council contact the Planning and Zoning Commission Chairman and request that this topic be included on the agenda for the combined meeting.

CORRESPONDENCE:

Council President Umholtz reported on the following:

1. Memo dated December 13, 2011 from the Planning and Zoning Commission, suggesting that the combined meeting of City Council and the Planning and Zoning Commission be held on Monday, January 30, 2012 at 7:00 p.m. It was noted that the date was acceptable to Council members and the Mayor, and the Clerk of Council was directed to advise the Commission that the date of January 30 is acceptable.

With regard to scheduling a meeting to present a commendation to the football team, Councilman Skrbis suggested the possibility of holding a brief meeting at the school on January 30, then holding the combined meeting afterward. Discussion ensued; it was noted that the school's sports schedules will need to be taken into account. Councilman Powell stated that he will contact the School Superintendent in this regard and report back to Council.

CORRESPONDENCE (continued):

2. Copy of an Application for Authority to Assess and Collect a System Improvement Charge in Aqua Ohio, Inc.'s Lake Erie Division, filed with the Public Utilities Commission of Ohio on December 1, 2011. Mr. Umholtz advised that a copy of the Application is available with the Clerk of Council for Council members to review.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 11-O-58
(Mayor Tyler)

- **(Third Reading) - AN ORDINANCE APPROVING THE REVISED RATES FOR SANITARY SEWER SYSTEM CHARGES FOR HICKORY HILL, ROCKWOOD LEDGES AND SHENANDOAH SUBDIVISIONS AS DETERMINED BY THE PUBLIC UTILITIES COMMISSION OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**

Read by title only.

Christine Vidmar, 10675 Rockwood Drive, inquired whether the decision has been made to increase the sewer rates to \$125 per quarter. She noted that at the last meeting she suggested that the increase be cut in half, which would still provide a surplus at the end of the year. She stated that she does not see the need to build up such a large surplus for each of the treatment plants. Council President Umholtz advised that a decision has not yet been made; he noted that Council will be voting on it this evening. Mr. Umholtz noted that during work sessions Council has discussed the ideas and suggestions brought up in the previous meetings. Mr. Umholtz stated that the surplus would be needed for any emergency repairs and any non-emergency repairs that are needed as the treatment plants are updated.

Finance Director Martinet advised that governmental accounting requires that each of the plants must be self-supporting, noting that if there is a surplus for one plant, the funds cannot permanently be used for repairs made at another plant. With regard to the Rockwood plant, Mr. Martinet stated that costs this year are \$16,000 higher than the amount of income for the plant. He noted that the fund needs to be brought back to a positive balance; with the proposed increase it will take four to five years before the fund reaches the \$20,000 surplus that is needed for major repairs. Mr. Martinet noted that, although the rate was reduced for three years, the previous quarterly rate for the Rockwood plant was \$119; the increase to \$125 is essentially a \$6 increase.

James Gercar, 10655 Rockwood Drive, inquired whether quotes are obtained for the services at the plant. City Engineer Kiefer advised that for operating purposes, the City has a part-time employee that visits each of the three plants every weekday. Mr. Kiefer advised that quotes are received periodically for the "honey-dipper" and other services. Service Administrator Catania advised that the part-time employee servicing the plants is a licensed treatment plant operator, and in most cases needed repairs are made by the City.

Mrs. Vidmar inquired why businesses in Kirtland have been closing, such as the grocery store and the Gastown at Route 6 and 306. She stated that a gas station is needed at that intersection. Mr. Umholtz advised that when the Marathon station and the gas station at Route 6 and 306 were purchased, the decision was made by the owner to close the station at the intersection. Councilman Powell noted that the

OLD BUSINESS – ORDINANCE NO. 11-O-58 (continued):

decision was made that it was not profitable enough to keep the station open, due to the economy, and that the City has no control over that decision. Mr. Powell noted that the City can try to attract businesses, but there is a great deal of competition. He noted that the sewers on Route 306 will provide opportunities for businesses. With regard to the previous grocery stores, Mr. Umholtz noted that Kirtland residents did not patronize them enough for them to be profitable. Mr. Umholtz stated that the Mayor and Council are actively working to bring business into the City. With regard to the gas station at the intersection, Mayor Tyler advised that the City has kept in contact with the owner, but they have not yet made a long-term decision with regard to that property. With regard to the downtown area, the Mayor stated that the City has a long-range plan, noting that the Historic Town Center zoning was adopted in 2005 and a zoning referendum was passed last November. The Mayor stated that the completion of the sewer project will allow businesses to move into Kirtland. Mayor Tyler stated that the Planning and Zoning Commission is reviewing the comprehensive plan, and the City is actively participating in the long-range planning process.

Dolores Gercar, 10655 Rockwood Drive, stated that some cities bill water and sewer together, and some base the sewer charge on the water usage. She stated that she doesn't understand why the quarterly rate is increasing by \$55. Finance Director Martinet stated that the quarterly rate was \$119 before it was cut to \$70, when the capital improvement portion was removed. Mr. Martinet noted that everyone paid the capital improvement amount, whether it was paid up front or paid quarterly. Councilman Kirek noted that the Finance Director addressed Council when the rate was lowered, noting that he was trying to be fair to the residents. Mr. Kirek stated that the proposed increase is to prepare for future repairs and equalize the quarterly payments now so the property owners will not have to make a large payment for a costly repair in the future.

Mrs. Gercar inquired why other cities' rates are less expensive. Councilman Powell explained that she is on a small treatment plant, with the costs being covered by only 68 people, rather than a large public sewer system.

Mrs. Gercar inquired whether the costs involved with the plants are public information. Mr. Martinet advised that she can make a public records request for that information.

Councilman Webbe stated that Council has spent a lot of time discussing this matter and considering the ideas and suggestions from the residents. He stated that while Council may agree with the comments made by the residents, the reality is that the rates must be increased to assure that the City can take care of the residents utilizing the treatment plants. Mr. Webbe stated that he believes the proposal is the best solution.

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

Councilman Powell urged the residents present to submit a public records request to see the costs involved for maintenance and repairs of the wastewater treatment plants, noting that it will help them to understand the need for this increase.

RESOLUTION NO. 11-R-59
(Mayor Tyler)

- **(Third Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HUMANICS, LLC.**

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

OLD BUSINESS (continued):

ORDINANCE NO. 11-O-60 - (Third Reading) - **AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**
(Mayor Tyler)

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

NEW BUSINESS:

RESOLUTION NO. 11-R-69 - **A RESOLUTION ESTABLISHING STANDING COMMITTEES OF COUNCIL, AND DECLARING AN EMERGENCY.**
(Council President Umholtz)

Read by title only. Mr. Schulz moved to amend the legislation to correct Mr. Catania's middle initial to "F". Mr. Kirek provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

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

ORDINANCE NO. 11-O-70 - **AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE MONTH PERIOD ENDING MARCH 31, 2012.**
(Mayor Tyler)

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

ORDINANCE NO. 11-O-71 - **AN ORDINANCE AMENDING ORDINANCE NO. 11-O-9 RELATING TO THE APPROPRIATION FOR THE YEAR 2011.**
(Mayor Tyler)

Read by title only. Responding to Councilman Skrbis, Finance Director Martinet confirmed that since this ordinance, and the preceding ordinance, provide for the appropriation of money, they are effective upon the Mayor's signature, pursuant to Article I, Section 9, of the Charter.

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

NEW BUSINESS (continued):

ORDINANCE NO. 11-O-72 - **AN ORDINANCE LEVYING LIENS FOR DELINQUENT SANITARY SEWER CHARGES, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Schulz.

Dolores Gercar, 10655 Rockwood Drive requested an explanation of this legislation. Finance Director Martinet advised that if the property owners served by the treatment plants do not pay their quarterly statements, the amount owed is placed on the income tax duplicate for Lake County, and it is collected as part of the real estate taxes. Mr. Martinet noted that this ensures that everyone served by a wastewater treatment plant is paying their fees.

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

RESOLUTION NO. 11-R-73 - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CAWRSE & ASSOCIATES, INC., FOR THE KIRTLAND COMPREHENSIVE PLAN UPDATE, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

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

RESOLUTION NO. 11-R-74 - **A RESOLUTION APPROVING THE SOLID WASTE MANAGEMENT PLAN UPDATE (DECEMBER, 2011) OF THE LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT.**
(Mayor Tyler)

Read by title only and placed on First Reading.

RESOLUTION NO. 11-R-75 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF MICHAEL T. DENK TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**
(Mayor Tyler)

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

NEW BUSINESS (continued):

RESOLUTION NO. 11-R-76
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DELORIS C. PARSONS 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 7/0 (VOTING YEA: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. 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: CATANIA, KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ AND WEBBE. VOTING NAY: NONE).**

RESOLUTION NO. 11-R-77
(Mayor Tyler)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DAVID C. SKEGGS TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.**

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

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Councilman Skrbis stated his appreciation to the residents for voicing their concerns. He stated that the Finance Director and the Mayor do a great job in keeping costs as low as possible, noting that there are limited resources. Mr. Skrbis encouraged the residents to continue to look at the numbers, and to pursue answers to any questions they may have. He encouraged them to continue attending meetings.

Council President Umholtz thanked the residents for attending and providing their input; and he also encouraged them to continue attending the meetings. He advised that the Council meetings are held on the first and third Mondays of each month, with some exceptions. The Clerk of Council noted that the meeting schedule is available on the City website, and that the meeting dates for each month are posted on the bulletin board in the City Hall lobby.

Councilman Schulz suggested that the City website address be included on the Council agenda.

PUBLIC COMMENTS:

Christine Vidmar, 10675 Rockwood Drive, thanked Council members for their patience in answering her questions.

ADJOURNMENT:

Mr. Kirek moved to adjourn, with the second by Mr. Powell. The motion of Council passed by unanimous vote and the meeting adjourned at 8:09 p.m.

President of Council

Clerk of Council