

KIRTLAND CITY COUNCIL MINUTES

March 7, 2012

The meeting of Kirtland City Council was called to order at 7:05 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, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

PUBLIC HEARING – ORDINANCE NO. 12-O-10

Rates for Temple View Sanitary Sewer System Charges

Council President Umholtz opened the public hearing in this regard. City Engineer Philip Kiefer advised that Ordinance No. 12-O-10 will enact the rates that the Public Utilities Commission recommended to Council at \$100 per quarter for the first 20 years, and then the rate will drop to pay off the second loan, which is a 40-year loan. Mr. Kiefer advised that the City received two loans when the sewers were constructed – one loan from the Ohio Public Works Commission with zero percent interest; and the other was a 40-year loan from the United States Department of Agriculture.

Mayor Tyler distributed to Council information regarding the status of the allocation certificates for the Temple View properties; he noted that all except five residents have initiated the connection process and received their allocation certificates. The Mayor noted that there have been a few issues, which have been resolved. Mayor Tyler noted that 35 connections have been completed to date. Mr. Kiefer advised that there are a total of 49 connections that will be made.

Council President Umholtz opened the meeting to public comment with regard to Ordinance No. 12-O-10.

Dan Ockuly, 9347 North Star Road, inquired whether the cost of the work could be included on their taxes so they can write it off. Mr. Kiefer stated that the cost to the property owners would have been much greater for a traditional assessment on the taxes. Mr. Kiefer noted that the manner in which it is being handled is less costly and is consistent with the City's other three package plants. Mr. Kiefer noted that the property owners will be billed quarterly from the City of Kirtland for the capital costs of the sewer, and that Lake County Department of Utilities will bill separately for the treatment costs.

Councilman Kirek advised that assessments are not tax deductible as real estate taxes, even if they are paid to the County.

Kathleen Call, 9361 North Star Road, inquired about the charge for the usage of the sewer. Mr. Kiefer stated that the Lake County Department of Utilities rate is \$73.05, which will probably increase over the years with inflation. He noted that Lake County Department of Utilities charges the same rate to everyone that is served by Aqua Ohio.

Mrs. Ockuly, 9347 North Star Road, inquired who signed off on this project. Mr. Kiefer advised that there was no inspection of the laterals. Councilman Webbe requested that the Mayor ask Carm Catania to contact Mrs. Ockuly in this regard.

Law Director Richards stated that inspection would have added approximately \$50,000 in costs to the project. Mr. Richards advised that the City does not have a legal liability for the installation or the repair of sewers. Mr. Richards noted that the contractor that did the work is no longer in existence.

PUBLIC HEARING – ORDINANCE NO. 12-O-10 (continued):

Mrs. Ockuly stated that the access road to the pump house behind City Hall has dammed up the ravine and caused a 30 ft. smelly swamp. Mayor Tyler advised that the City is aware of the situation and has a plan to make the necessary repairs to correct this problem.

Mrs. Ockuly stated that the inspector for her installation did not act in a professional manner. Mayor Tyler stated that when this was brought to his attention at a previous meeting, he contacted a County representative and voiced his concerns and he does not expect that type of situation again.

Mrs. Ockuly inquired what will be done if the property owners cannot pay their bills for the sewer. Mayor Tyler noted that the sewers were mandated by the EPA. Mr. Martinet stated that if the property owners do not pay, the City has the right to place the balance due on the tax duplicate, noting that interest will be charged on the tax duplicate. Mr. Martinet advised that the City also has the right to charge interest. He noted that if the real estate taxes are not paid, the County may sell the house to pay the real estate taxes. Mr. Martinet stated that it is anticipated that the property owners will pay on time.

Mrs. Call inquired whether owners of vacant lots will have to pay the \$100 quarterly charge. Mr. Kiefer stated that for vacant lots, property owners will be billed \$100 per quarter from the City.

There were no further questions from the public in this regard, and Council President Umholtz closed the public hearing.

MINUTES OF THE FEBRUARY 22, 2012 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 6/0/1 (VOTING YEA: SCHULZ, UMHOLTZ, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

MINUTES OF THE FEBRUARY 22, 2012 FINANCE COMMITTEE 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 6/0/1 (VOTING YEA: SCHULZ, UMHOLTZ, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE. ABSTAINING: SKRBIS).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report has been distributed.

Police Chief Wayne Baumgart stated that the monthly report has been distributed. Councilman Webbe commended the Police Department and the Fire Department for their professionalism in responding and assisting the City of Chardon following the school shootings last week. Chief Baumgart noted that the school handled the situation exactly as they were trained.

City Engineer Philip Kiefer did not present a formal report. Councilman Powell noted that the resident at 2685 Graylock Drive has been having ongoing water drainage issues; he requested that the City Engineer look into this to determine a solution, possibly in conjunction with the City of Willoughby Hills.

Finance Director Keith Martinet stated that he distributed to Council a copy of Section 1042.01 relating to sewer rental charges; he noted that this can be discussed when Ordinance No. 12-O-10 on tonight's agenda is addressed.

DEPARTMENT REPORTS (continued):

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Mark Tyler advised that he attended the annual Chamber of Commerce state of the cities meeting on February 23, along with Mayor Anderson and Mayor Weger.

Mayor Tyler noted that Brian Somes and Michael Somes of Kirtland Boy Scout Troop 286 achieved Eagle Scout at a ceremony on February 26.

Mayor Tyler advised that he attended the Lake County Development Corp. legislative breakfast on February 27, noting that he talked to the State Senator with regard to local government funds and municipal income tax collections, which were discussed at the last Finance Committee meeting.

With regard to the school shootings in Chardon last week, Mayor Tyler noted that Chief Hutton handled the command post for the medical evacuations; he stated that he believes the combined efforts of all involved saved some lives. The Mayor thanked Chief Hutton and Chief Baumgart, noting that he was in contact with both of them throughout the day.

Noting that a Finance Committee meeting will be held following tonight's Council meeting, Mayor Tyler requested that prior thereto, a brief executive session be convened to discuss land acquisition.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Donna Loeser, 9735 Chillicothe Road, inquired about the Time Warner rates, noting that Kirtland pays the second highest basic rate for cable service, with no other choice for cable. Ms. Loeser inquired why the residents do not have the option of AT&T U-Verse. Noting that she lives in the mobile home park, she stated that she does not have the option of a satellite dish. Mr. Richards stated that the City is limited in the amount of control due to franchise agreements; he noted that he would like to look into this further and follow up with Ms. Loeser. Ms. Loeser provided her contact information to the Clerk.

OLD BUSINESS:

ORDINANCE NO. 12-O-9 - **(Second Reading) - AN ORDINANCE SETTING**
(Mayor Tyler) **THE APPROPRIATION FOR THE YEAR 2012.**

Read by title only and placed on Second Reading.

OLD BUSINESS (continued):

ORDINANCE NO. 12-O-10
(Mayor Tyler)

- (Second Reading) - AN ORDINANCE APPROVING THE RATES FOR SANITARY SEWER SYSTEM CHARGES FOR THE PREMISES SERVED BY THE TEMPLE VIEW SANITARY SEWER SYSTEM AS DETERMINED BY THE PUBLIC UTILITIES COMMISSION OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

Read by title only. Finance Director Martinet noted that a question arose at the last Council meeting regarding a grace period for payment of the sewer charges. Mr. Martinet advised that Section 1042.01 addresses the collection of sewer charges and provides a grace period for payment; he noted that the bills for the Temple View sewer charges will be sent out the first day of each quarter to be paid within the 30-day grace period, in the same manner as the other package plants. The legislation was placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 12-R-11
(Mayor Tyler)

- A RESOLUTION ADOPTING THE RECOMMENDATION OF THE PUBLIC UTILITIES COMMISSION OF THE CITY OF KIRTLAND, RELATING TO COSTS TO CORRECT PROBLEMS PERTAINING TO THE TEMPLE VIEW SANITARY SEWER CONNECTIONS, 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: SCHULZ, SKRBIS, UMHOLTZ, 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 7/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Umholtz thanked the members of the audience for attending the meeting.

PUBLIC COMMENTS:

Kathleen Call, 9361 North Star Road inquired when properties on Route 306 will connect to the sewer. Mayor Tyler advised that this is in process and that some of the businesses have already connected.

ADJOURN INTO EXECUTIVE SESSION (7:35 P.M.):

Mr. Kirek moved to adjourn into executive session to discuss land acquisition, pursuant to Article I, Section 7(b) of the City Charter. Mr. Webbe provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SKRBIS, UMHOLTZ, WEBBE, CATANIA, KIREK AND POWELL. VOTING NAY: NONE).**

RETURN TO REGULAR SESSION (8:02 P.M.):

Mr. Webbe moved to adjourn the executive session, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote. Mr. Webbe moved to reconvene the regular session, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote, whereupon the regular session of Council reconvened.

ADJOURNMENT:

Mr. Webbe moved to adjourn, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote and the meeting adjourned at 8:03 p.m.

President of Council

Clerk of Council