

KIRTLAND CITY COUNCIL MINUTES

September 4, 2013

The meeting of Kirtland City Council was called to order at 7:08 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, Police Chief Wayne Baumgart and Fire Chief Anthony Hutton.

MINUTES OF THE AUGUST 19, 2013 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. Councilman Schulz noted that in paragraph six, the word "accumulators" should be corrected to "attenuators", relating to end terminals. Mr. Schulz moved to amend the minutes to make the correction as noted, 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. Kirek moved to adopt the Minutes as amended, 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).**

MINUTES OF THE AUGUST 19, 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).**

DEPARTMENT REPORTS:

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

Police Chief Wayne Baumgart advised that the monthly report has been distributed.

Service Administrator Carm Catania did not present a formal report. Noting that there was a previous complaint about the grass with regard to a house at 7333 South Raccoon Hill Drive; Councilman Powell stated that there is also a distinct odor coming from the house and there is water in the basement. Mr. Catania stated that he will discuss this with Mr. Powell following the meeting.

Councilman Skrbis publicly thanked Mr. Catania for his follow-up with regard to an issue on Lakebrook Drive over the holiday weekend. Mr. Skrbis stated that he has received e-mails from a resident whose neighbor plans to construct an accessory building; the resident is concerned about the water run-off because there is already an issue regarding water running to her house. Mr. Catania stated that he will discuss this matter with Mr. Skrbis following the Council meeting.

DEPARTMENT REPORTS (continued):

City Engineer Philip Kiefer advised that the August monthly report has been distributed. Mr. Kiefer noted that after the last Council meeting, he forwarded e-mail correspondence with regard to the filling on North Locust Drive. Mr. Kiefer noted that in order to solve the flooding on the subject property, the culvert size would have to be increased and the ditch would need to be dug out downstream, then a retention basin would need to be installed to slow down the flow to the same as it is currently. Mr. Kiefer noted that this would involve extensive engineering study and would need to be budgeted.

Mr. Kiefer stated that he also looked at the increased flows on the ravine next to Russellhurst Extension; he noted that the inlet for the pipe under the recreation park road had dropped, which is partially slowing down the flow. Mr. Kiefer noted that although the water may have been deep, it was not an increase in water; it was ponding. He noted that this will be looked at further. Council President Umholtz noted that the resident on the east side would have more of a concern because they are losing yard. Mr. Kiefer stated that the hillside is sliding in several places along the extension, noting that it will take a major project to stabilize the bank; he noted that alternatively, the road could be moved over.

Finance Director Keith Martinet requested a meeting of the City's Board of Tax Review (Council President, Finance Committee Chair and the Mayor), noting that there are some requests to abate penalties and interest on delinquent income taxes. It was agreed that the Board of Tax Review will meet following the conclusion of the next regular Council meeting on Monday, September 16, 2013.

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

MAYOR'S REPORT/ANNOUNCEMENTS:

Noting that there was a question during the work session regarding the rates for the waste collection contract with Waste Management, Mayor Tyler stated that the rates are less than last year. He noted that legislation is before Council at tonight's meeting.

Mayor Tyler noted that the City newsletter was recently sent out.

The Mayor noted that Kirtland has been ranked as the fifth safest city in northeast Ohio by Cleveland Magazine.

Sterling Coleman, 7636 Markell Road, stated that he noted in the Mayor's column in the newsletter that there is a senior discount for waste collection from Waste Management; he inquired about obtaining the discount. Waste Management representative Vince Crawford advised that the resident should call Waste Management to request the discount.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Lucio Velotta, 8292 North Locust Drive, inquired about a solution for the drainage problem on his property, with reference to the City Engineer's report. Council President Umholtz stated that, as indicated by the City Engineer, a solution will involve extensive engineering studies, which is not budgeted for this year. Mr. Umholtz noted that the weather conditions for this time of year have also to be taken into account.

Noting that he has lived there one year, Mr. Velotta stated that the flooding has occurred twice within that year. He stated that he is getting water from all sides.

Responding to Council President Umholtz, Mr. Kiefer advised that there has been no new housing or impervious surfaces in the area recently.

Mr. Velotta stated that he would like to enclose the ditches, but the pipe would have to be huge. He stated that his house is safe, but he is concerned about damage to his leach field.

Mayor Tyler stated that the City will continue to review this situation, noting that it will need to be determined whether this is a result of major rainfalls or if it is a consistent problem. Mr. Umholtz requested that the Mayor ask the City Engineer and Service Administrator to monitor the situation and determine whether any temporary solutions can be implemented.

Mr. Velotta had further questions, and Mr. Catania agreed to meet with him after the Council meeting.

OLD BUSINESS:

RESOLUTION NO. 13-R-39
(Mayor Tyler)

- (Second Reading) - A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, 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 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND CATANIA. VOTING NAY: NONE).** Mr. Webbe moved to declare an emergency and adopt, with the second by Mr. Skrbis. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND CATANIA. VOTING NAY: NONE).**

OLD BUSINESS (continued):

RESOLUTION NO. 13-R-40
(Mayor Tyler)

- **(Second Reading) - A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, 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. Webbe 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).**

RESOLUTION NO. 13-R-41
(Mayor Tyler)

- **(Second Reading) - A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM WILLIAM E. ARWOOD AND CAROLYN B. ARWOOD TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, 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. Skrbis 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).**

OLD BUSINESS (continued):**RESOLUTION NO. 13-R-42**
(Mayor Tyler)

- (Second Reading) - A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM KELLY FABER AND KVEODOSIA FABER TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, 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. Skrbis 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).**

RESOLUTION NO. 13-R-43
(Mayor Tyler)

- (Second Reading) - A RESOLUTION ACCEPTING TEMPORARY AND PERPETUAL EASEMENTS FROM DAVID A. HAMILTON TO THE CITY OF KIRTLAND, TO CONSTRUCT, MAINTAIN, INSPECT, RELAY, OPERATE AND REPAIR FOR PUBLIC HIGHWAY AND ROAD PURPOSES, INCLUDING BUT NOT LIMITED TO ANY UTILITY CONSTRUCTION, RELOCATION AND/OR UTILITY MAINTENANCE WORK DEEMED APPROPRIATE BY THE CITY OF KIRTLAND, OHIO AND THE NECESSARY APPURTENANCES THERETO, 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).**

RESOLUTION NO. 13-R-44
(Mayor Tyler)

- (Second 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 and placed on Second Reading.

OLD BUSINESS (continued):

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

- **(Second 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 and placed on Second Reading.

NEW BUSINESS:

RESOLUTION NO. 13-R-47
(Mayor Tyler)

- **A RESOLUTION ACCEPTING THE BID OF WASTE MANAGEMENT OF OHIO, INC. FOR THE SOLID WASTE AND RECYCLING COLLECTION CONTRACT, AND DECLARING AN EMERGENCY.**

Read by title only. Mayor Tyler requested that Council waive the three readings on this legislation. Mr. Webbe moved to waive the three readings, with the second by Mr. Schulz. Responding to an inquiry from Councilman Skrbis, Waste Management representative Vince Crawford confirmed that there will continue to be no additional fee to the residents for pick-up of large items.

Referring to the cost breakdown provided by Waste Management, Councilman Powell requested clarification of the cost to the residents for waste and recycling collection. Mr. Crawford stated that, with a 96-gallon trash cart and a 64-gallon recycling container, the total cost for collection of trash and recycling will be approximately \$13.52 per month. He stated that the customer's invoice combines the cost of trash collection and recycling; it does not break it down into two separate figures as it is shown on the bid. Mr. Crawford stated that he will send an e-mail showing the exact spread of the combined cost.

Councilman Kirek inquired about the fuel surcharge. Mr. Crawford stated that, under the new contract, they will follow the fuel surcharge table that was part of the City's bid specifications. He noted that as the rate changes, it will be calculated on a percentage basis as noted in the table.

Responding to Mayor Tyler, Mr. Crawford stated that comparing the new contract with the existing contract, there will be a per month savings of a little more than \$4.00 for each resident.

Councilman Skrbis inquired whether the 64-gallon recycling cart is the only size available. Mr. Crawford stated that the contract provides for the 64-gallon cart.

Voting began on the motion to waive the three readings. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND CATANIA. 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: KIREK, POWELL, SCHULZ, SKRBIS, UMHOLTZ, WEBBE AND CATANIA. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Umholtz noted that a request has been received from David and Tina Abate for a zoning permit for a new residence on Sublot 1 in Lazio's Ridge Subdivision, Phase I. City Engineer Philip Kiefer advised that the subdivision has been approved and he recommended that Council authorize the issuance of a zoning permit for the new residence. Mr. Webbe moved to grant the approval, 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).**

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 7:45 p.m.

President of Council

Clerk of Council