

## KIRTLAND CITY COUNCIL MINUTES

November 20, 2017

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President R. Robert Umholtz. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Kevin Eilerman, David Kirek, Kevin Potter, Matthew Schulz, Robert Skrbis, Joseph Smolic and R. Robert Umholtz.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

### MINUTES OF THE NOVEMBER 8, 2017 WORK SESSION:

Mr. Eilerman moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Eilerman moved to adopt the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

### MINUTES OF THE NOVEMBER 8, 2017 COUNCIL MEETING:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Eilerman. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, as presented, with the second by Mr. Eilerman. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** did not present a formal report. Chief Hutton thanked Council President Umholtz for all his years of service to the City, noting that he has enjoyed working with him over the years. The Chief also thanked Councilman Eilerman for his service to the City.

**Police Chief Lance Nosse** advised that the City of Kirtland received its eighth AAA platinum award; he stated his appreciation to all the City employees for their efforts and to Chief Baumgart. He stated that there were no fatal traffic accidents and that the number of injury accidents are down. He noted that the platinum award is the result of city-wide efforts and there are many aspects that are considered.

Chief Nosse thanked Council President Umholtz and Councilman Eilerman for their service to the City and wished them the best for the future.

Councilman Potter inquired whether the Department received any calls the past two weekends relating to skeet shooting. Chief Nosse advised that to his knowledge there were no calls.

**Service Administrator Carm Catania** did not present a formal report. Mr. Catania thanked Council President Umholtz and Councilman Eilerman for their service, noting that he has enjoyed working with them.

**City Engineer Philip Kiefer** gave no formal report. Mr. Kiefer thanked Council President Umholtz and Councilman Eilerman for the good work they have done over the years.

**DEPARTMENT REPORTS (continued):**

**Finance Director Keith Martinet** advised that he has prepared, posted and distributed the October financial statements. He noted that the City income tax is coming in a little ahead of the budget. Mr. Martinet advised that the carry-over will be similar to last year's carry-over, and he noted that the budgeting process has started.

Mr. Martinet thanked Council President Umholtz and Councilman Eilerman for their service to the City. He noted that he was here the day that Mr. Umholtz was first sworn-in. Mr. Martinet stated that he has enjoyed working with Mr. Umholtz over the years and with Mr. Eilerman the past couple years.

**Law Director Daniel Richards** did not present a formal report. Mr. Richards stated that he appreciates the opportunity to represent the City over the years, noting that the City of Kirtland has been well administered and has been a great service to its citizens, with Council President Umholtz at the leading edge, and with Councilman Eilerman, who has also served on the Planning and Zoning Commission. Mr. Richards commented on how well everyone has worked together and that it is his hope it will continue into the future. Mr. Richards stated that both Mr. Umholtz and Mr. Eilerman have been exemplary in their roles.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Noting that there is a vacancy on the Board of Zoning Appeals that needs to be filled, Mayor Davidson stated that he intends to place a notice on the City website that letters of interest are being accepted. He noted that he will share those letters of interest with the Planning and Zoning Standing Committee.

Mayor Davidson thanked Councilman Eilerman for bringing his expertise and for coming from the Planning and Zoning Commission to City Council to fill the remainder of the two-year Council-at-Large term. The Mayor noted Mr. Eilerman's engagement in attending both the Council meetings and the Planning and Zoning Commission meetings and his work behind the scenes.

Mayor Davidson thanked Council President Umholtz, noting that he enjoyed working with him on Council. The Mayor noted that he will present Mr. Umholtz with a proclamation at a reception on December 11 at the Community Center. Mayor Davidson commented on the expertise that Mr. Umholtz has brought to Council, noting that he is a great moderator and a great thinker.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

None.

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

**Scott Haymer, 8110 Forestdale Drive,** stated that in response to the oil leaked on the street, Waste Management sent a company out three times but they cleaned in front of his house only; he noted that the whole street was destroyed, and it is not just his street. Noting that he met with representatives of Waste Management, Mayor Davidson stated that he will discuss this issue with Mr. Haymer. The Mayor noted that Vince Crawford of Waste Management is in attendance at tonight's meeting to address Council, partly in response to the recent oil situation and as part of his annual duties.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):**

**Vince Crawford, Waste Management representative**, stated that he met last month with the Mayor. Mr. Crawford provided a general overview, noting that over the past few months the hurricanes and flooding in Texas and Florida have had a huge impact on the company; he noted that the company's headquarters are in Houston. He noted that Waste Management has donated to the Red Cross in the relief efforts and sent additional trucks and drivers to those areas; he stated that they also provided relief to Puerto Rico. Mr. Crawford stated that locally they just broke ground on their new facility in Hambden Township, noting that all the trucks will be at one site. He stated that they will be running compressed natural gas trucks, noting that as a corporation for sustainability they are moving away from diesel. Mr. Crawford stated that they have a commitment to put natural gas trucks on the road, and a fueling facility is needed. He noted that the facility will open in May/June of 2018, and each year they will put 20+ new trucks on the road until the entire fleet is converted to compressed natural gas. Mr. Crawford stated that they will be moving out of their aging fleet and moving into brand new equipment, noting that this is being done all over the country.

Mr. Crawford stated that participation in recycling has been very good, but in 2018 the recycling industry will be tumultuous, and the value of the commodity will drop significantly. He noted that collection of recyclables in Kirtland has increased approximately four percent since last year, noting that they currently service approximately 2,190 customers in Kirtland.

In response to recent concerns, Mr. Crawford stated that he met with the Mayor, along with the district manager, the fleet manager and the route manager. Mr. Crawford stated that they track the parts and labor for each individual truck, noting that the fleet manager keeps a record of any trucks that are leaking fluids. Mr. Crawford noted that they went over the report for the particular truck that was leaking, and repairs were made. He noted that this particular truck will be replaced next year.

Mr. Crawford stated that on November 6, he followed both the trash collection truck and the recycling collection truck, for approximately 25 minutes each while they were collecting, and he did not see any indication of leaking. Mr. Crawford stated that they pulled their call logs, which will be reported to the Mayor on a quarterly basis, and they are able to identify Kirtland customers. He stated that if the route manager is not able to handle the resolution, then it goes to the next level and the City Administration will be made aware. Mr. Crawford stated that the Health Department came out and inspected the street and they were provided with the documentation from the power wash company; he noted that the representative from the Health Department was completely satisfied. Mr. Crawford stated that going forward, with proper communication, they should be able to take better care of such situations.

Councilman Smolic inquired if the issue causing the leaking is the hydraulics. Mr. Crawford stated that the age of the trucks is an issue, noting that the particular truck had a hydraulic leak, the radiator was leaking, and there was an engine leak. He stated that the new trucks will provide relief to such issues. Noting that a garbage truck is a \$400,000 piece of equipment, Mr. Crawford stated that the vehicle should last 10 to 15 years.

Councilman Schulz thanked Mr. Crawford for addressing Council; he inquired about training of employees and communication with Kirtland Police and Fire Departments regarding natural gas trucks and safety in the event of an accident. Mr. Crawford stated that their fleet manager has been going through the training protocol for the new shop, and they will have specific training for all the drivers and managers.

Noting that the entire management team from Waste Management is present tonight, Mayor Davidson thanked them for their efforts; he noted that some trucks have been rotated. The Mayor stated that he also inquired if there were other programs that would be beneficial for the City, but there were none at this time. The Mayor noted that the contract was well written, with credit to Mayor Tyler, the previous Council and the company management.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):**

With the drop in revenue for recycling, Councilman Smolic inquired whether there would be an increase in the customers' costs. Mr. Crawford stated that there will not be an increase in cost, noting that it is a flat rate for Kirtland. Mayor Davidson stated that under the contract, the only change would be in the fuel surcharge.

Responding to Councilman Smolic, Mr. Crawford stated that 25 to 30 percent of the material recycled is actually trash; he noted that the number should be closer to 15 to 20 percent. Mr. Crawford noted that there is a list of materials that can be recycled on their website, and he believes it is also included on the City's website. Councilman Skrbis noted that it would also be helpful for the Kirtland Chronicle to publish information once or twice per year regarding recycling procedures.

Council President Umholtz thanked Mr. Crawford for attending tonight's meeting and addressing Council.

**OLD BUSINESS:**

**ORDINANCE NO. 17-O-35** - (Third Reading) - **AN ORDINANCE AMENDING CHAPTER 1248 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO IMPROVEMENTS IN THE SUBDIVISION REGULATIONS.**  
(Council President Umholtz)

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

**ORDINANCE NO. 17-O-36** - (Tabled) - **AN ORDINANCE AMENDING SECTION 1268.04(d) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO OFF-STREET PARKING IN RESIDENTIAL DISTRICTS.**  
(Council President Umholtz)

The legislation remains tabled.

**RESOLUTION NO. 17-R-37** - (Third Reading) - **A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; TEMPLEVIEW SEWER PROJECT #503; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE DECEMBER 31, 2017 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.**  
(Mayor Davidson)

Read by title only. Mr. Eilerman moved to adopt, with the second by Mr. Potter. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).**

**NEW BUSINESS:**

**ORDINANCE NO. 17-O-39** - **AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**  
(Mayor Davidson)

**NEW BUSINESS – ORDINANCE NO. 17-O-39 (continued):**

Mr. Skrbis moved to amend the Ordinance so that all references to “Charter One Bank” are changed to read “Citizens Bank”. Mr. Eilerman provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, UMHOLTZ, EILERMAN AND KIREK. VOTING NAY: NONE).** The legislation was placed on First Reading.

**ORDINANCE NO. 17-O-40**  
**(Mayor Davidson)**

- **AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE-MONTH PERIOD ENDING MARCH 31, 2018.**

Read by title only. Councilman Skrbis stated that looking back over the past two years, the numbers are identical to last year and reflect a difference of only \$10,000 from the previous year. The legislation was placed on First Reading.

**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Potter stated that thanks are in order to both Mr. Eilerman and Mr. Umholtz. Mr. Potter stated that it was a pleasure to work with Mr. Eilerman, noting that they became acquainted through Kiwanis. Noting that he and Mr. Umholtz have known each other for a long time, Mr. Potter stated that the influence of Mr. Umholtz and their conversations contributed to his desire to run for Council. Mr. Potter commended Mr. Umholtz for his work ethic, and he thanked him and both his sons for their service to the country.

Noting that he and Mr. Umholtz were neighbors, Councilman Skrbis thanked Mr. Umholtz for his service and for his guidance. Mr. Skrbis thanked Mr. Eilerman, noting that his service to the City, including his time on the Planning and Zoning Commission, helped in the decision to appoint him to Council.

Councilman Eilerman stated that the last eight years have been good, noting that he leaves his service with the City only because he currently does not have time to give the attention that is needed. He stated that it has been a pleasure working with everyone, and he stated his thanks individually to each of the Department Heads, the Mayor and the Clerk of Council.

Councilman Kirek noted that Mr. Umholtz encouraged him to run for Council a long time ago. Mr. Kirek stated his appreciation to Mr. Umholtz, noting that he has been a wonderful friend and a great councilman. Mr. Kirek also stated his thanks to Mr. Eilerman, noting that he has been a great councilman.

Councilman Schulz expressed his gratitude to Mr. Umholtz for his service to the City, commending him for the gentlemanly way in which he runs the meetings, noting that he always places principles above personalities and has done what is right for Kirtland. Mr. Schulz wished Mr. Umholtz the best in the future.

Councilman Smolic thanked Mr. Umholtz for his many years of service on Council; he also thanked him for his service to the country, along with the service of his two sons and his daughter-in-law. Mr. Smolic also thanked Mr. Eilerman for his service to the City.

Councilman Schulz thanked Mr. Eilerman for his work on Council, noting that it has been excellent to work with him, especially with his Planning and Zoning background.

Mayor Davidson noted that Chuck Bickart is in attendance to take some photographs.

**COUNCIL COMMENTS (continued):**

Council President Umholtz stated that he was sworn-in on Council 24 years ago, noting that the only individuals here now that were present then are Keith Martinet and Phil Kiefer. Noting that he was elected as Council President, he stated that there was much he did not yet know.

Noting that the new political buzzword is “transparency”, Mr. Umholtz stated that Kirtland has always been transparent. Mr. Umholtz reflected on his early years on Council, noting that he has learned much over the years. He noted the importance of listening and obtaining information, and stated that he learned to appreciate people with which he had previously had disagreements.

Mr. Umholtz stated that one of the challenges he had as Council President was trying to be a liaison between various Council members and the various Mayors. He stated that he recognized that even when at extreme ends of the spectrum, everyone that has been on Council and every Mayor has wanted to do what is best for Kirtland. Noting that many former Council members are still around, Mr. Umholtz encouraged Council to take advantage of the wealth of knowledge they possess.

Mr. Umholtz stated fond remembrances of previous Department Heads – Fire Chief Rick Martincic, Police Chief Dennis Yarborough, Service Administrator Jim Jacobs (Jake), along with former Zoning Inspector John Armstrong and former Council Clerk Sally Harber.

Mr. Umholtz stated that he encouraged Mr. Skrbis to run for Council, and noted that he has been a good friend. He stated that Mr. Skrbis is a good mediator. Mr. Umholtz stated that before running for Council, Mr. Kirek served on the school board, noting that the schools are the focal point of the Kirtland community. Referring to an instance where Mr. Potter made a presentation to Council, Mr. Umholtz stated that he was impressed with his presentation and knew he would make a good councilperson.

Mr. Umholtz noted that Mr. Schulz is an asset to Council, with his engineering background. He noted that Mr. Eilerman’s knowledge and expertise concerning Planning and Zoning has been a great benefit to Council. Mr. Umholtz noted that Mr. Smolic brings a lot of enthusiasm to Council. Mr. Umholtz noted that Mrs. Roelle has been a loyal and knowledgeable employee.

Mr. Umholtz stated that Chief Hutton has become a good friend, noting that he watched his children grow up. He thanked Chief Nosse, noting that he is a great friend.

Mr. Umholtz noted that Mr. Catania, although often under-appreciated, has been a mediator in many property disputes and has brought the Service Department a long way. Mr. Umholtz noted that Mr. Martinet and Mr. Kiefer have been great assets to the City, noting that they both possess a wealth of knowledge in their respective positions.

Mr. Umholtz stated that Mayor Davidson earned his respect, noting that he did not let petty politics interfere with his good work on Council, and he has brought class to the position of Mayor. Mr. Umholtz noted that Mayor Davidson has been open and honest, and he has earnestly worked with Council.

Mr. Umholtz stated that his wife, Marie, could not be here tonight because she is with their daughter-in-law and three grandchildren on a trip to New Orleans, and his oldest son is at Maxwell Air Force Base. He noted that his son, Brian, is in attendance tonight because he did not want his dad to be at his last Council meeting without family present.

In summary, Mr. Umholtz stated that the advice he would pass on to new Council members is “do not seek to be right, seek to understand.” Mr. Umholtz stated his appreciation for the privilege of serving for the past 24 years and being a part of the Kirtland community.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Skrbis moved to adjourn, with the second by Mr. Kirek. The motion of Council passed by unanimous vote and the meeting adjourned at 8:12 p.m.

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President of Council

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Clerk of Council