

## KIRTLAND CITY COUNCIL MINUTES

February 5, 2018

The meeting of Kirtland City Council was called to order at 7:07 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic.

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.

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Upon request of the Council President, Mr. Lesnick moved to suspend Council rules in order to administer the Oath of Office to Police Officer Anthony Germano. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

Police Chief Nosse requested that Police Officer Anthony Germano come forward with his family. Mayor Davidson administered the oath, and Officer Germano received the applause and congratulations of all those present. Chief Nosse stated that Officer Germano has been with the Police Department for approximately one year as a part-time police officer, and he has successfully completed the requirements for a lateral transfer as a full-time police officer.

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### PUBLIC HEARING

#### **Resolution No. 18-R-2 – Application of Northstar Towers LLC**

Jesse Styles, President and CEO of Northstar Towers, stated that he has been working closely with the Mayor and the legal staff in this regard, and he welcomed questions from Council. Mr. Styles stated that a lease agreement has been negotiated, and Planning and Zoning Commission approval has been received. Responding to Councilman Schulz, Mr. Styles stated that they have mirrored the terms of contracts in other communities, including a recent agreement in Mentor. Mr. Styles stated that the project is straightforward, and the tower location is a commercial area behind City Hall and in a location where the Zoning Ordinance encourages wireless communication facilities. Mr. Styles stated that there are no unique challenges with the site.

Councilman Lesnick inquired about HB 478 relating to small cell wireless. Mr. Styles stated that small cell projects are very different than what is being proposed, which is referred to as a macro site. Mr. Styles stated that there are very few small cells in existence, and they have to be tied into a macro cell site; they do not reduce the number of existing macro cell sites and they do not reduce the need for more macro cell sites in the future, but they only aid and enhance the macro cell sites to allow many devices to access the internet.

Noting that there is a lease termination in the agreement, Councilman Lesnick inquired about the reasons that Northstar would terminate the lease. Mr. Styles stated that he has been in this business for 18 years and has been involved in the development of two to three thousand cell sites all over the country, but he has been involved in only five sites that have been terminated. Mr. Styles stated that it is exceedingly rare for a site to be terminated, noting that once a site is built the networks become dependent upon it and

**PUBLIC HEARING (continued):**

surrounding sites are developed based on the assumption that the site will always be there. He stated that customers rely on having the service in that area, so it is highly unusual for a site to be taken down; he noted that the few cases he has been involved in that were terminated were because of major redevelopment, such as new highways.

Councilman Lesnick inquired about additions to the site. Mr. Styles stated that once they develop a site, they market it aggressively to other wireless carriers. He noted that in this case, the tower is being built for Verizon, the anchor tenant. Mr. Styles stated that they choose locations where they believe other cell companies will want to locate.

Council President Potter opened the meeting to public comment on the matter.

**Kevin Eilerman, 8066 Pinehurst Drive**, stated that he is not in favor of another cell tower, especially since it is less than 1/2 mile from another tower; he noted that the ordinances state that towers should be one mile apart. Mr. Eilerman stated that he feels strongly that adding a second tower in such a short distance would not be attractive in the Historic Town Center and would be a contradiction to desired development in the Historic Town Center. Mr. Eilerman encouraged Council to seek revenue enhancers by attracting new business to Kirtland instead of another cell tower that detracts from the beauty of the downtown area.

There were no further comments from the public, and Council President Potter closed the public hearing portion of the meeting.

**MINUTES OF THE JANUARY 17, 2018 WORK SESSION:**

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

**MINUTES OF THE JANUARY 17, 2018 COUNCIL MEETING:**

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

**DEPARTMENT REPORTS:**

**Fire Chief Anthony Hutton** advised that the monthly report has been distributed. Responding to Council President Potter, Chief Hutton noted that the Fire Department equipment is holding up well. Chief Hutton stated that they had a busy month, noting that there were 58 EMS transports.

Noting that he forwarded some information to Chief Hutton regarding Firehouse Subs, Councilman Schulz inquired whether there is any viable funding. Chief Hutton stated that the City has already obtained the items listed through the Assistance to Firefighters Grant, but he will look into it further. The Chief noted that the City has received close to \$1,000,000 in grant funding since 2004 from the Assistance to Firefighters Grant.

Councilman Smolic inquired whether Kirtland responded to the recent fire in Burton. Chief Hutton advised that Kirtland firefighters covered Burton's station for a while.

**DEPARTMENT REPORTS (continued):**

Chief Hutton stated that delivery of the new fire truck is expected in June or July.

Noting that the average number of monthly EMS calls is 43, Councilman Lowery inquired about the reason for the increase. Chief Hutton stated that the flu is the main reason for the increase in calls, and there have also been a lot of cardiac calls.

**Police Chief Lance Nosse** thanked Council for taking time during the meeting to swear-in Officer Germano. Chief Nosse advised that the monthly report has been distributed. Responding to Council President Potter, Chief Nosse noted that the Police Department vehicles are holding up well.

Councilman Lesnick inquired about the disabled vehicles mentioned in the report, noting that 32 seems like a large number of disabled vehicles; Chief Nosse replied that it was because of the weather. Responding to Mr. Lesnick about the number of traffic stops, the Chief noted that the average number of monthly traffic stops is approximately 190, noting that 121 stops for January is par for the season.

Responding to Councilman Lowery, Chief Nosse confirmed that the City does not charge for assisting a disabled vehicle.

Councilman Smolic inquired about the 14 suspicious vehicles. Chief Nosse noted that the majority are realtors, but residents become concerned and call the Police Department.

**Service Administrator Carm Catania** advised that the new loader has not yet been delivered, but they are hoping it will be ready by next week. Mr. Catania stated that the salt deliveries are coming in more regularly, noting that another 800 tons are on order. Council President Potter commended the Service Department, noting that returning to Kirtland from Euclid on Sunday evening, the roads were treacherous until he reached Kirtland.

Councilman Lesnick inquired whether there is any update regarding the new street light request at Hobart Road and Orchard Drive. Mr. Catania stated that he has not heard anything yet from CEI.

Councilman Smolic inquired about the salt supply. Mr. Catania stated that two orders of 800 tons each have been received, and another 800 tons were ordered last week; he noted that the Department is currently in good shape with regard to salt supply. Mr. Catania noted that he would like to fill up the salt bin in the spring.

**City Engineer Philip Kiefer** advised that his monthly report has been distributed. Responding to Councilman Schulz regarding the Verizon fiber optic cable utility project, Mr. Kiefer stated that he is not aware of the extent of that cable.

Councilman Schulz stated that he forwarded a comment regarding a suggested plan note with regard to the resurfacing on Route 306 and the Strawberry Festival. Mayor Davidson stated that he has requested that Mr. Kiefer follow-up on this.

Councilman Lesnick inquired about the status of the suggested public meeting regarding the old town sewage issue. Mr. Kiefer stated that the meeting will most likely be scheduled toward the end of February for sometime in March.

Councilman Lesnick inquired about the purpose of the fiber optic cable. Mayor Davidson stated that it is his understanding that it will be for a trunk line, rather than providing access for connections. Councilman Lowery inquired whether it would be installed underground, noting that he would not want to see Route 306 torn up to put in a cable after Route 306 is resurfaced. Mr. Kiefer noted that no details have been provided.

**DEPARTMENT REPORTS (continued):**

Councilman Lesnick noted that there is still only one vendor for cable for residents. Mayor Davidson advised that any vendor can wire the entire city, but it is not to their advantage economically because of the distance between homes in Kirtland.

**Finance Director Keith Martinet** advised that he prepared, posted and distributed the December financial statements. Mr. Martinet noted that he sent a new electronic version to the Council President, noting that he included bookmarks.

Mr. Martinet advised that Chris Speece left the Finance Office to take a full-time position with the City of Mentor; he noted that her replacement is Heather Frescenko. Mr. Martinet publicly thanked Chris Speece for her time with the City of Kirtland, noting that she was with the City for 11 years.

With regard to the request from Councilman Schulz, Mr. Martinet stated that he has the fee reports and compensation reports and will provide them to Council after tonight's meeting.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson stated that there will be legislation on the next agenda for the NOPEC Energized Community Grant in the amount of \$25,460; he noted that the amount is based on the number of NOPEC users in the City of Kirtland. The Mayor noted that the grant must be used for energy efficiency and infrastructure; he stated that the City will continue the changeover to LED lighting. The Mayor noted that the Police Department has been changed over to LED lighting, with a \$4,000 rebate for that project. The Mayor noted that Fire Station 1 and 2, and the remainder of City Hall, will be changed over to LED lighting, along with some exterior lighting.

Councilman Schulz inquired whether those funds could be used to re-lamp the existing street lights and change traffic signals to LED. Mayor Davidson noted that there is some latitude in the language, but it must be used for energy efficiency and energy infrastructure. The Mayor noted that surveys were done on the City buildings, noting that Helen Petersburg was instrumental in getting those done. Responding to Council President Potter, Mayor Davidson stated that the payback on the Police Department is 1/2 year; the other facilities are closer to a two-year payback, based on the use of the facility.

**STANDING COMMITTEE REPORTS:**

As Chairman of the Service Department Standing Committee, Councilman Smolic inquired if there is any further response regarding the recent e-mail inquiry. Mayor Davidson stated that a response was provided for each of the questions. Councilman Lesnick inquired if there will be further information regarding a road plan during the budget review. Mayor Davidson stated that a road plan will be provided after the budget has been approved and the amount of available funds is known. Discussion followed in this regard, and it was noted that there will be further discussion during the Finance Committee meeting following tonight's regular Council meeting.

**CORRESPONDENCE:**

Council President Potter advised that Council members received a filing reminder for the 2017 Financial Disclosure Statement.

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

**Alan Exley, 9250 Amberwood Drive,** stated that he is with the Lake County Engineer's Office, and Mr. Gills, the Lake County Engineer, requested that he address Council tonight to make the City aware of the new county permissive motor vehicle license fee. Mr. Exley stated that it is an additional \$5 fee for license plates, which was passed by the Ohio Legislature, allowing each county individually to add the \$5 to the license fees. Mr. Exley stated that the County Engineer's Office receives most of its funding through gasoline taxes and auto license fees. Mr. Exley stated that the Lake County Engineer's Office is recommending to the County Commissioners that this be passed and the fee added to the license plate fees. Mr. Exley provided the Clerk of Council with a packet of information in this regard, noting that the Engineer's Office costs are increasing, while income is decreasing. Mr. Exley stated that they are hoping this fee will help them to continue to do the projects that need to be done, including bridges and road work; he noted that they also take care of Route 2.

Mayor Davidson thanked the County Engineer for approving the Kirtland Recreation Park access road improvements.

Responding to Councilman Lowery, Mr. Exley stated that the last time the Engineer's Office increased the cost was for a \$5 fee approximately 20 years ago.

Councilman Schulz inquired if the packet of information is available on the County website for others to view. Mr. Exley stated that he does not believe it has been posted on the website, but he will check with his office to see if it can be done.

**Scott Haymer, 8110 Forestdale Drive,** stated that the skeet shooting is louder this year than it has been before, and he inquired about the City's response. Council President Potter agreed that it is louder this year, noting that he has received many calls and messages from residents. Mr. Potter stated that the City had hoped that in preparation for this season, the Country Club would have greatly reduced the sound affecting the residents of Kirtland, but it did not happen. Mr. Potter stated that today he met with Willoughby Mayor Fiala to make sure he understands the Kirtland residents' grievances; Mayor Fiala was sympathetic and will look into a couple matters relating to the skeet shooting, to see if they can help further the process of sound mitigation.

Mr. Haymer inquired whether Kirtland will perform a sound study and whether Kirtland will issue tickets to the offenders making the noise. Mr. Potter noted that the Police Chief has advised that there have been no complaints registered with the Kirtland Police Department regarding the skeet shooting this year; he noted that Mayor Fiala will look into whether the City of Willoughby is registering complaints in this regard. Mayor Davidson stated that it is a misuse of the Kirtland dispatchers' time to take calls for an activity that is occurring in Willoughby. The Mayor noted that it was suggested on social media that residents should call 911, but he advised that should not be done. Mayor Davidson noted that Kirtland will not be issuing tickets to people in Willoughby on the basis of sound. Mayor Davidson stated that if this issue occurring in the City of Willoughby could be controlled by Kirtland, it would have already been done.

**Valerie Gray, 9040 Elm Street,** stated that she has a copy of the sound testing that was done, and the equipment was not calibrated prior to the sound testing, therefore it is not valid. Mrs. Gray stated that her husband calls Willoughby every weekend, but they will no longer file complaints. She stated that since the sound testing was done with non-calibrated equipment, there should be some way to appeal it or get additional testing done.

**Christine Marsick, 7450 Markell Road, Waite Hill,** stated that the sound has to be sustained for one hour. She stated that testing should be done when there are no leaves on the trees.

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

Responding to Councilman Skrbis, Law Director Richards advised that Kirtland cannot compel the Country Club to redo the sound testing. Mr. Richards stated that a tremendous amount of time and effort has been spent in the City of Kirtland and in the City of Willoughby, and substantial legal expense has already been incurred. Mr. Richards stated that, at this point, the best way to change the situation is to change the law in the State of Ohio by contacting those with the authority to make some modifications to the legislation that authorizes the skeet shooting facilities. Mr. Richards stated that he does not recommend that the City of Kirtland get involved in litigation in this matter. Mr. Richards noted that, in his opinion, the agitation is not related to decibels, but it is related to the repetitive, continuous sound, which may not be harmful to hearing but is psychologically disturbing; he noted that the current statute looks only at the decibel level. Mr. Richards noted that for a sound test, it would need to be established that 90 decibels are being exceeded for one hour out of 24 hours.

Mr. Richards stated that the sound studies were done by a well-recognized environmental consulting firm, HzW. Mr. Potter noted that the residents have concerns that the sound tests were done with potentially non-calibrated equipment.

**Christine Marsick** stated that even if it is determined that the sound exceeds the decibel levels, they would only be required to reduce it to the allowed decibel level, which would not solve the problem. She stated that it is not the level of sound, but the repeating of the sound over and over. Mrs. Marsick stated that there is a large amount of funding behind the skeet shooting, noting that the citizens cannot fight the NRA. She noted that it may be helpful to band together and circulate a petition. Council President Potter noted that a petition was used in the effort to revoke the permit.

Mayor Davidson stated that the City of Kirtland pursued this matter to the extent that the City of Willoughby voted, against the advice of their own legal counsel, to revoke the permit. The Mayor stated that he met four times with the Country Club president, and subsequently he met with Council President Potter and the new Club president. The Mayor stated that he spoke with private attorneys and provided Council with the opinion of a private attorney. He noted that the legal opinion came with less optimism because it addressed the Department of Natural Resources' rules on shooting ranges, which are permissive. The Mayor noted that it has been suggested that this be taken to the State representatives who oversee the Department of Natural Resources; he stated that he believes this would be a productive way to address this situation.

**Kevin Donovan, 7776 Fairidge Drive,** stated that one of the main goals of local government is to protect private property values, noting that this issue affects property values.

Councilman Skrbis stated that he has received calls from residents clearly stating that the City should not spend any more money pursuing this matter and noting that the City must be fiscally responsible.

Mayor Davidson stated that he and the Council President will be attending a legislative breakfast, and they will have the opportunity to interact with the State Representatives, noting that he will bring up this matter.

**Mrs. Shetler, 9107 Chillicothe Road, Apt. 102,** asked the public if they hate the situation enough to stage a protest while the skeet shooting is occurring.

**Mike Arcidiacono, 8953 Elm Street,** stated that he can't even hold a conversation in his driveway because of the skeet shooting. He noted that Mr. Haymer has made a lot of contacts; he noted that they contacted someone from the EPA in Twinsburg who had no idea the skeet shooting was occurring. He stated that he contacted someone from the ODNR and left a couple messages. Mr. Arcidiacono stated that they are trying to make contact with people, and he requested some help from the City officials.

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

**Mrs. Marsick** inquired of the Law Director whether it would be recommended, besides the nuisance issue, to pursue emotional issues, noting that this affects people with PTSD or hospice patients that cannot leave their homes, listening to that noise; she noted that she understands that the Law Director may not be able to provide her with this advice. She inquired of the Mayor how valuable the skeet shooting is to the Country Club and what is their motivation. Mayor Davidson stated that he cannot speak to their motivation.

Council President Potter suggested that the residents organize a group to address this issue, and he will be happy to provide assistance. Mr. Potter noted that there will be a "coffee with Council" this coming Saturday morning at 9:00; he noted that he will come early if residents want to discuss a group effort in this regard.

**OLD BUSINESS:**

**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)

Councilman Lesnick proposed that this legislation be sent back to the Planning and Zoning Commission, noting that the Committee has some disagreement on the proposed Ordinance. Councilman Smolic stated that he believes this needs to be further discussed in the Committee first. Councilman Skrbis noted that the Ordinance needs to either be defeated or adopted, according to Council rules of order. Mr. Skrbis stated concern about going beyond what is addressed in the Ordinance, and he noted that Council should have specific reasons if the Ordinance is defeated. There was brief discussion, and it was agreed that further review and discussion by the Standing Committee is necessary.

The legislation remains tabled.

**RESOLUTION NO. 18-R-1** - (Third Reading) - A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND.  
(Mayor Davidson)

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

**RESOLUTION NO. 18-R-2** - (Second Reading) - A RESOLUTION ACCEPTING THE APPLICATION OF NORTHSTAR TOWERS LLC, FOR A NEW WIRELESS COMMUNICATION FACILITY AT 9301 CHILLICOTHE ROAD, KIRTLAND, OHIO.  
(Council President Potter)

Read by title only. Mayor Davidson noted that the City understands that towers are not perfect aesthetically, but he noted that the amount of revenue that will be generated by the tower over the years will provide funds for an ambulance or a plow truck; he noted that it is passive income to the City for the benefit of the residents. The Mayor noted that Mr. Styles made accommodations for aesthetic purposes in looking to put underground power to the tower, recognizing the existing memorial and green space. The Mayor urged Council to proceed with adoption of the Resolution, noting further that the Planning and Zoning Commission's approval will become effective within 30 days if no decision is made by Council tonight.

**OLD BUSINESS – RESOLUTION NO. 18-R-2 (continued):**

Mr. Styles stated that he is granting the City use of the tower for their safety antennas and he is paying for that transfer, noting that he is working with the Chief of Police and will work with the City's preferred contractor. Mr. Styles noted for the record that at the Planning and Zoning hearing no citizens spoke in opposition to the tower, and he is not aware of any written correspondence to the City. He noted that he received one telephone call after the article ran in the News-Herald, and the caller asked if the tower could be put on their property instead if it does not get approved. Mr. Styles stated that there is no variance being requested, noting that the ordinance was modified before action was taken on the application.

Noting that he posed some questions to the Mayor and the City Engineer, Councilman Schulz inquired whether those are more closely related to the lease agreement, noting that it was a preliminary set of plans. Mr. Styles stated that there were a few relatively minor changes requested by Planning and Zoning on the site plan, noting that they generally wait until they have Council approval to revise the site plan and file final plans for the building permit. Mr. Styles stated that the lease agreement has been thoroughly vetted by the Law Department.

Responding to Councilman Schulz, the Mayor noted that he did not forward his comments to Mr. Styles, but he noted that he sent a red-lined version of the contract to the Council leadership indicating the changes that were made.

Mr. Schulz stated some concern about approving this without seeing a final set of plans. Mr. Styles noted that the only comment of substance made by Planning and Zoning was relating to running the utilities underground, as well as adding fencing and landscaping. Mr. Schulz stated that because the plans were preliminary, he did not see any contours and he would like to see the overland flow of water; he stated that he did not see flow arrows or drainage swales. He suggested that the first 15 feet of the driveway should be asphalt instead of gravel, since gravel tends to make its way onto the existing asphalt path, causing an issue for walkers. Mr. Schulz stated he would like to see some signage advising that it is a cell tower site. He inquired if the safety fencing is physically grounded. Mr. Styles stated that they are using the full ability to secure the site with the tallest fence possible according to the ordinance, which is 8 feet. With regard to the comments on drainage, Mr. Styles stated that they do not go to that level of engineering until they have received discretionary zoning approval, and then a full construction set of drawings will be prepared.

Mayor Davidson stated that he believes the Planning and Zoning Commission did their due diligence and were satisfied; and he reviewed the lease portion with Mr. Richards, and appropriate changes were made.

Responding to Councilman Lesnick, Law Director Richards clarified that Resolution No. 18-R-2 is to approve and accept the application to locate a cell tower; Resolution No. 18-R-4 is to approve the lease agreement. Mr. Richards noted that if there is an application for a cell tower on government or other public property, as required by the ordinance, and it is denied, then the proceedings must contain substantial written evidence regarding the reasons for denial.

Councilman Skrbis noted that he spoke with a resident, Stan Krulc, who had some health concerns regarding towers. Mr. Skrbis stated that according to the Telecommunications Act of 1996, no state or local government can regulate the placement or construction based on radiofrequency emissions, but localities are permitted to reject a cell tower as deemed unsightly.

At the conclusion of discussion, Mr. Lowery moved to waive the three readings, with the second by Mr. Skrbis. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**



**NEW BUSINESS:**

**RESOLUTION NO. 18-R-3**  
**(Council as a Whole)**

- **A RESOLUTION AMENDING RESOLUTION NO. 17-R-44 RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2017, THROUGH NOVEMBER 30, 2018, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, POTTER, SCHULZ, SKRBIS, SMOLIC, KIREK AND LESNICK. VOTING NAY: NONE).**

**RESOLUTION NO. 18-R-4**  
**(Mayor Davidson)**

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH NORTHSTAR TOWERS LLC, FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATION FACILITY ON CITY PROPERTY, AND DECLARING AN EMERGENCY.**

Read by title only. It was noted in discussion that Council members have questions regarding the lease agreement, which they would like to have addressed before adopting this Resolution. Councilman Lesnick inquired if the income to the City is commensurate with similar installations. Council President Potter noted that the same question was asked of Chris Galloway in the initial stages of discussion, and the amount seems to be consistent with other communities. The legislation was placed on First Reading.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

None.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Lesnick moved to adjourn, with the second by Mr. Skrbis. The motion of Council passed by unanimous vote and the meeting adjourned at 9:17 p.m.

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President of Council

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Clerk of Council