

KIRTLAND CITY COUNCIL MINUTES

March 5, 2018

The meeting of Kirtland City Council was called to order at 7:03 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, Assistant Law Director Michael Germano, Finance Director Keith Martinet, City Engineer Philip Kiefer, Service Administrator Carm Catania, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

PRESENTATION OF MAYORAL PROCLAMATIONS AND SWEARING-IN OF NEW POLICE OFFICER:

Noting that he will be presenting three proclamations tonight, Mayor Davidson asked that Police Chief Lance Nosse and retired Police Officer Chuck Tercek come forward. The Mayor noted that Officer Tercek wrote a very nice letter of gratitude, which appeared in the Chronicle; he stated that the letter is characteristic of Officer Tercek's professionalism. Police Chief Nosse stated that Officer Tercek has been one of the most dedicated officers the City has had. Mayor Davidson read the proclamation in its entirety and presented it to Officer Tercek. Officer Tercek expressed his gratitude, noting that he was with the city for 28 years, through four Mayors, six Chiefs, three lieutenants, four sergeants and countless patrolmen and dispatchers. Officer Tercek received the applause and congratulations of all those present.

Mayor Davidson requested that Michael Frank come forward with his family to be sworn in as a new part-time police officer. The Mayor administered the Oath of Office, and Officer Frank received the applause and congratulations of all those present. Chief Nosse stated that Officer Frank comes from the Ohio Division of Natural Resources, noting that he will be a good fit with the Police Department and will serve the City well.

Mayor Davidson welcomed the Scouts from Boy Scout Troop 286 and their families, noting that he will be presenting proclamations to two new Eagle Scouts, Adam Sceranka and Tommy Calvert. He asked Adam Sceranka to come forward with his parents. The Mayor read the proclamation in its entirety and presented it to Adam Sceranka, noting that his Eagle Scout service project consisted of working with Lake County Metroparks on their efforts to help support the eastern bluebird habitat. Mayor Davidson then requested that Tommy Calvert come forward with his parents, noting that his Eagle Scout service project involved working with the City and the Kirtland Kiwanis on the restoration of the gazebo in front of City Hall. The Mayor read the proclamation in its entirety and presented it to Tommy Calvert. Both new Eagle Scouts received the applause and congratulations of all those present. Council President Potter commended Adam Sceranka and Tommy Calvert for their achievement.

MINUTES OF THE FEBRUARY 22, 2018 WORK SESSION:

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

MINUTES OF THE FEBRUARY 22, 2018 COUNCIL MEETING:

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

MINUTES OF THE FEBRUARY 22, 2018 FINANCE COMMITTEE MEETING:

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

DEPARTMENT REPORTS:

Service Administrator Carm Catania advised that the new loader will be delivered tomorrow. Answering Councilman Smolic, Mr. Catania stated that the Department is in good shape on the road salt supply, noting that they have received 2800 of the 3500 ton capacity. Mr. Catania stated that he plans to top off the supply, noting that the City can purchase ten percent more than the amount specified. It was noted that the price of salt is lower this year than previous years.

Councilman Lesnick inquired if the amount of salt used in February is typical for this time of year. Mr. Catania stated that it averages out over the season, noting that this year was difficult because of the extreme rise and fall of the temperature. Mr. Catania stated that the usage has increased over the years because of the amount of roadway.

Councilman Lowery inquired about road striping. Mr. Catania advised that Route 306 striping will be addressed with the road project this summer. He noted that in the past some roads are striped in the spring and some are striped in the fall, but he is considering doing all the roads that need striped at the same time.

Councilman Schulz stated that the lower bulb is out on the northbound signal flasher on Route 306 (headed down the hill). Mr. Schulz also noted that a question came up at the "coffee with Council" with regard to the small cell tower in front of Mr. Excavator's property. Mr. Schulz inquired if a permit was needed and who put up the tower. Mr. Catania stated that he will look into this matter.

Councilman Skrbis inquired about the status of a notice that was sent for a zoning violation on Hillcrest for a storage box. Mr. Catania stated that it is a shed and he issued a permit to the property owner.

Referring to an e-mail he received from a resident, Councilman Skrbis stated that on the corner of Cray and Route 6 there are two utility poles at the same spot, noting that one has a coil of wire that has been there for a while. Mr. Skrbis noted that the resident also inquired when the City would be replacing the green street signs with the white and black signs. Mr. Catania stated that he will look into the situation with the two poles, noting that one may be a replacement.

Councilman Smolic inquired how long a person can keep a storage container in the front yard, for the purpose of storage before or after moving, or as a dumpster during a project. Mr. Catania stated that the zoning code does not provide a time limit, but if they are not removed after a short time, he follows up with the property owner.

DEPARTMENT REPORTS (continued):

Councilman Lesnick inquired about the status of the street light at Hobart and Orchard. Mr. Catania stated that the order has been submitted. Mayor Davidson stated that the City is waiting for it to be installed by First Energy.

Councilman Smolic inquired about the street light at Route 306 and Parkwood Lane. Mr. Catania stated that the order was placed last week.

Fire Chief Anthony Hutton advised that the formal report has been distributed. Responding to Councilman Smolic, Chief Hutton stated that the Department usually responds a couple times per week for automatic aid outside the City. The Chief stated that the Department has been doing a lot of training with other communities relating to active shooter and mass casualty type situations.

Councilman Lesnick inquired about alarms on the report. Police Chief Nosse stated that most of the alarms go to the Police Department, unless it specifically states fire alarms.

Police Chief Lance Nosse advised that the monthly report has been distributed. Chief Nosse stated that due to the recent school incidents across the country, the Police Department is currently working with the Kirtland School District to improve safety. He noted that the Police Department now has 24-hour visual access through the camera system at the schools. Answering Councilman Lesnick, Chief Nosse stated that a school resource officer is at the school every school day. He noted that the school has also contracted with the Police Department to have an officer present during sporting events, such as wrestling, basketball and football games, and other large school events, such as prom, after-prom and dances. The Chief stated that they are also working on other projects relating to emergency action. Mr. Lesnick suggested that an article be included in the Kirtland Chronicle regarding the safety program in place for the Kirtland Schools. Chief Nosse stated that information will be put together for the public, noting that the Police Department, the Fire Department and Kirtland Schools work closely together.

City Engineer Philip Kiefer advised that his monthly report has been distributed. Council President Potter inquired about the status of the informational meeting regarding the sewage issue in the old town area. Mr. Kiefer stated that the Lake County Health Department would like the City of Kirtland to provide a few options for meeting dates and then schedule the meeting. Mr. Potter mentioned that it would be helpful if Council members are briefed before the meeting; Mr. Kiefer noted that he will discuss that with the Health Department. Noting that this was mentioned in the Kirtland Chronicle last week, Councilman Lowery inquired if any calls were received in that regard. Mr. Kiefer stated that he was not aware of any calls from residents. Responding to Councilman Smolic, Mr. Kiefer stated that he will attend the informational meeting, along with a representative from the County.

Finance Director Keith Martinet did not present a formal report and no questions were asked of him.

Assistant Law Director Michael Germano did not present a formal report. He noted that the Law Department thanks Council and the Administration for their thoughts and prayers for a speedy recovery for Mr. Richards.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson advised that there will be additional quotes for the next phase of the LED lighting project, noting that the Service Garage and Fire Station No. 2 would likely be the next buildings to be converted to the LED lighting, which will save money.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Davidson stated that subsequent to the last Council meeting, he followed up with Mr. Styles of Northstar Towers, noting that he is disappointed that Mr. Styles did not appear at tonight's meeting to answer further questions. The Mayor noted that Mr. Styles stated that the lease is the same as the lease that was negotiated with Willoughby Hills and there is no better deal out there. The Mayor noted that the two concerns discussed were the increase after the five-year renewal and the length of the term. He noted that there was negotiation regarding aesthetics and making it favorable for the City of Kirtland. The Mayor noted that he had initial concerns about the aesthetics of the tower, but Council's point at the time was that the revenue will add up over a period of years. The Mayor noted that there will be the advantage of locating the City's antennas for the safety forces on the tower. Mayor Davidson stated that he believes that the adoption of Resolution No. 18-R-4 is in the best interest of the City.

Referring to the recent school shooting in Florida, Mayor Davidson stated that there is an enormous expectation placed on law enforcement officers, and he encouraged everyone to thank them and show their appreciation.

Councilman Lesnick inquired if there is an update regarding the Fiscal Review Task Force. Mayor Davidson stated that they held their last meeting and they are assembling their documents for their report. The Mayor noted that Willoughby was the model, and it is a strategic document. He noted that there may be some items that the City will want to adopt immediately, and there are other items for discussion. The Mayor noted that the report will be an in-depth document. Noting that there is a Charter Review every ten years, and there is a ten-year comprehensive plan review, the Mayor stated that he believes the Fiscal Task Force Review should also be done every ten years. Mayor Davidson thanked the Department Heads for their involvement, noting that the Finance Director was handling massive requests for data at the same time he was working on the budget.

Responding to inquiries from Councilman Lesnick and Council President Potter, Mr. Kiefer stated that the proposed ordinance being reviewed by the Planning and Zoning Commission would provide some regulations relating to alternative energy. Mayor Davidson noted that he will follow-up with the Planning and Zoning Commission Chairman regarding the status of the proposed ordinance. The Mayor noted that there has been discussion regarding the potential for a solar array to be placed on undeveloped park land. There was brief discussion regarding windmills.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

1. Councilman Schulz noted that a letter was received from "the Friends of Blake Adams" regarding a 0.7 mil renewal levy in May, noting that they would be enthusiastic if Council would endorse it.
2. Council President Potter stated that an invitation was received from "CORE" (Coordinated Response Exercise) for a program regarding pipeline safety.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Victor Oroz, 8303 Emerald Glen Court, addressed Council regarding the proposed new cell tower for Northstar Towers, noting that he would not have been aware of the tower if not for the article in the Kirtland Chronicle, and he questioned whether many residents are aware of the proposed tower. Noting that he is a financial analyst, Mr. Oroz stated that he is against the proposed tower and does not see the payback. He stated that he implores the Mayor and Council to carefully consider how this will affect the community. Mr. Oroz stated concern about the effect on property values; he stated that his street has still not been repaired although his taxes have increased. He stated that poor planning has affected the addition of businesses.

Noting that he has had discussion with Mr. Oroz in this regard, Council President Potter stated that there has been lengthy discussion regarding the cell tower over the past year. Mr. Potter noted that when the request initially came to the Mayor, members of Council recognized the revenue shortfall; and at the request of Council, the Mayor obtained the details and a contract was proposed.

Councilman Lesnick stated that he has also had discussion with Mr. Oroz. Mr. Lesnick inquired about the notification process to the public. Mayor Davidson stated that two public hearings were held regarding the proposed cell tower, which were publicized in the News Herald; and the meeting agendas indicating the public hearings were posted on the City website. The Mayor noted that this was also addressed on the front page of the News Herald, and there were multiple articles in the News Herald. Mayor Davidson stated that people attended the public hearings, but the number of objections was fairly low. The Mayor noted that the height of the tower is 199 ft., and it is not lighted; he stated that it is less obtrusive than the tower behind Fire Station #2 and the Service Garage. The Mayor noted that it will produce income for the City (\$150,000 over 10 years), which will cover the cost of emergency response vehicles, which provides value to the taxpayers. Mayor Davidson stated that the contract is similar to a contract negotiated by Ken Filipiak of the City of Mentor, and it is similar to contracts for cell towers in other cities.

With regard to planning, Mayor Davidson stated that County Commissioner Jerry Cirino suggested the concept of sharing an economic development professional between four communities, which is incorporated into this year's budget. The Mayor noted that Kirtland is looking to participate in the second half of this year, continuing into next year, along with taking advantage of the CRA legislation that Council adopted. The Mayor thanked Mr. Oroz for attending the meeting, noting that his comments are appreciated.

Councilman Lesnick inquired if there have been any studies regarding a cell tower's effect on property values. Mr. Oroz stated that there are consulting companies that look at the area, and they base their findings on past construction of cell towers in communities. He noted that it is expensive to have such a study done, but it would be helpful for the residents to have something in writing that addresses their concerns.

Mayor Davidson stated that coverage and capacity were also discussed, noting that there will be advantages to the residents in increased coverage. The Mayor noted that the amount of housing behind City Hall is minimal.

Mr. Oroz inquired about the tower's distance from the road. Mr. Kiefer stated that it would be located approximately 80 to 100 feet from the road right-of-way.

Responding to Councilman Lowery, Chief Nosse and Chief Hutton confirmed that antennas will also be placed on the tower for the Police and Fire communication system.

Council President Potter thanked Mr. Oroz for his comments, noting that his points are well taken.

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

Charlie Drazetic, 10884 Tibbetts Road, stated that the property at the bottom of the hill to the west of Route 306 (at Eisenhower) is for sale, and he inquired if the City has looked into buying the land and developing it for industry. Mr. Drazetic stated that the property owner passed away, and all those houses are involved in the estate. Mayor Davidson advised that the City has not looked into this property.

Stan Krulc, 10595 Tibbetts Road, voiced his concern about the cell phone tower, noting that according to the Telecommunications Act of 1996, he realizes that Council cannot turn this down for any other reason than aesthetics. He stated that he does not believe it will look good and that it will degrade the visual image of Kirtland. Mr. Krulc stated that there are enough cell phone towers in the area, noting that there are more than 40 in a five-mile radius of his house. Noting that he understands it cannot be turned down for health issues, Mr. Krulc stated that there is some EMF radiation that comes off the tower, and studies are inconclusive as to whether it is harming people's health. He stated that his children whose bedrooms face the tower near his house have had difficulty sleeping. He stated concern about the EMF radiation coming off the towers, noting that children and senior citizens are the most vulnerable. Council President Potter thanked Mr. Krulc for his input.

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)

The legislation remains tabled.

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

Read by title only. Councilman Lesnick stated that he has several questions that have not yet been answered, noting that he expected Mr. Styles to be present at tonight's meeting. He noted that he provided his comments to Council. Mr. Lesnick suggested that the legislation be tabled until Council has the opportunity to have these questions answered. Council President Potter stated that he is disappointed that Mr. Styles did not attend tonight's meeting to answer those questions. Mr. Lesnick moved to table the legislation, with the second by Mr. Smolic.

Mayor Davidson stated that, according to the Charter, it is his responsibility to negotiate contracts on behalf of the City, which he did in this case, moving forward at the request and agreement of Council. The Mayor stated that he negotiated in good faith a contract with Mr. Styles of Northstar Towers, and that contract was reviewed by the Law Director. Mayor Davidson stated that he also shared the red-lined copy of the agreement with Council leadership. He stated that improvements were made to the contract for aesthetic purposes, noting that the proposed tower was scrutinized by the Planning and Zoning Commission. Mayor Davidson recommended that Council vote on the legislation rather than tabling it. He noted that Mr. Styles believed he had answered all questions at the last meeting.

Councilman Smolic stated that Council needs clarity on some issues. Following discussion, voting began on the motion to table the legislation. **ROLL CALL: MOTION CARRIED 6/1 (VOTING YEA: POTTER, SCHULZ, SKRBIS, SMOLIC, LESNICK AND LOWERY; VOTING NAY: KIREK).**

OLD BUSINESS – RESOLUTION NO. 18-R-4 (continued):

In discussion, Councilman Skrbis suggested that Councilman Lesnick work to get those questions answered, noting that he believes Council should be able to act on this legislation at the next meeting. Mr. Germano stated that he would be happy to look at those questions.

ORDINANCE NO. 18-O-6 - **(Second Reading) - AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2018.**
(Mayor Davidson)

Read by title only and placed on Second Reading.

NEW BUSINESS:

None.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Potter noted that “Coffee with Council” will be held this Saturday at 9:00 a.m. at City Hall, noting that all are welcome.

Councilman Lowery thanked all the members of Troop 286 for attending tonight’s meeting for the lesson in citizenship.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Lowery moved to adjourn, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 8:24 p.m.

President of Council

Clerk of Council