

## KIRTLAND CITY COUNCIL MINUTES

October 2, 2017

The meeting of Kirtland City Council was called to order at 7:14 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, Joseph Smolic and R. Robert Umholtz. Absent: Robert Skrbis.

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 Sergeant Jamey Fisher and Fire Chief Anthony Hutton.

### MINUTES OF THE SEPTEMBER 18, 2017 WORK SESSION:

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Kirek moved to adopt the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

### MINUTES OF THE SEPTEMBER 18, 2017 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, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** did not present a formal report. Councilman Smolic thanked the Chief and the Fire Department for their help during the recent incident in Willoughby Hills.

**Police Sergeant Jamey Fisher** did not present a formal report and no questions were asked of him.

**Service Administrator Carm Catania** did not present a formal report. Councilman Eilerman thanked Mr. Catania and the Service Department for a job well done on the paving of Pinehurst and Woodcroft; he noted that the Department worked diligently and that the streets were down for only a total of three days. Mr. Eilerman thanked the Administration for working through the bills and collections to determine that there were funds available to complete this work.

**City Engineer Philip Kiefer** distributed his formal report. With regard to the proposed new cell tower for Verizon, Mr. Kiefer stated that he and Mr. Catania showed the Verizon surveyor where the City would like the tower to be located, and that plans should be submitted soon to the Planning and Zoning Commission.

**Finance Director Keith Martinet** gave no formal report and no questions were asked of him.

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

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Davidson thanked Council members for the vigorous debate on the CRA legislation, stating that he is looking forward to seeing this legislation proceed.

Responding to an inquiry from Councilman Potter regarding the cell tower, Mayor Davidson stated that he is working with Mr. Richards; and the process requires that the application must first be submitted to the Planning and Zoning Commission, then it will come to City Council. The Mayor stated that the construction of the cell tower, should it go forward, will be done on the cell provider's schedule; he noted that they have a list of sites and they follow certain criteria regarding which sites take precedence. The Mayor noted that the fundamentals of the contract will be negotiated after Planning and Zoning Commission review and approval.

**STANDING COMMITTEE REPORTS:**

Councilman Schulz stated that the Service Department Standing Committee put together some questions, which he compiled and forwarded to the Mayor. Mr. Schulz noted that the Committee will meet briefly after tonight's meeting to review those questions, and if there are any changes, he will provide them to the Mayor. Mr. Schulz stated that the Committee hopes to do a road levy wrap-up for this year's paving season. Mayor Davidson stated that the Administration will provide the detailed answers and also incorporate information from the first two years of the levy.

**CORRESPONDENCE:**

None.

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

**Scott Haymer, 8110 Forestdale Drive,** inquired if the legal opinion regarding the skeet shooting issue is available. Mayor Davidson advised that he received Mr. Haymer's e-mail, and he will provide a copy of the legal opinion by e-mail later this evening.

**OLD BUSINESS:**

**ORDINANCE NO. 17-O-25**  
**(Mayor Davidson)**

- **(Tabled) - AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE NORTH ROUTE 306 CORRIDOR COMMUNITY REINVESTMENT AREA IN THE CITY OF KIRTLAND, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.**

Mr. Potter moved to remove the legislation from the table, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

**OLD BUSINESS – ORDINANCE NO. 17-O-25 (continued):**

Mr. Potter moved to amend by interlineation the second sentence of Section VIII to read “At least two of the members of the Tax Incentive Review Council must be residents of the City of Kirtland.” Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

Mr. Potter moved to amend the Ordinance as presented to Council to remove the residential component from the Community Reinvestment Area. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).** It was noted that, after being amended, the legislation is placed on Second Reading.

**ORDINANCE NO. 17-O-26**  
**(Mayor Davidson)**

- **(Tabled) - AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE SOUTH ROUTE 6 CORRIDOR COMMUNITY REINVESTMENT AREA IN THE CITY OF KIRTLAND, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.**

Mr. Potter moved to remove the legislation from the table, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

Mr. Potter moved to amend by interlineation the second sentence of Section VIII to read “At least two of the members of the Tax Incentive Review Council must be residents of the City of Kirtland.” Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).**

Mr. Potter moved to amend the Ordinance as presented to Council to remove the residential component from the Community Reinvestment Area. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC AND UMHOLTZ. VOTING NAY: NONE. ABSTAINING: EILERMAN).** It was noted that, after being amended, the legislation is placed on Second Reading.

**RESOLUTION NO. 17-R-31**  
**(Mayor Davidson)**

- **(Third Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO EPA TO PARTICIPATE IN THE SECTION 319 (h) NONPOINT SOURCE IMPLEMENTATION GRANT REGARDING THE EAST BRANCH CHAGRIN RIVER STREAMBANK STABILIZATION PROJECT, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Potter moved to adopt, with the second by Mr. Eilerman. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: KIREK, POTTER, SCHULZ, SMOLIC UMHOLTZ AND EILERMAN. VOTING NAY: NONE).**

**OLD BUSINESS (continued):**

**RESOLUTION NO. 17-R-33**  
**(Mayor Davidson)**

- (Second Reading) - A RESOLUTION TO AUTHORIZE AND APPROVE TRANSFER OF FUNDS FROM THE GENERAL FUND #100; SAID FUNDS TO BE TRANSFERRED BY OR BEFORE NOVEMBER 30, 2017 TO GENERAL OBLIGATION BOND FUND #600; IN THE AMOUNTS AND FOR THE PURPOSES SPECIFIED.

Read by title only and placed on Second Reading.

**NEW BUSINESS:**

None.

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**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Potter commented that everyone worked well together to work out the details of the CRA legislation, including the Mayor, the Administration, the Department Heads and the School Board.

Councilman Eilerman thanked the Police Department for their response with regard to the recent Willoughby Hills issue.

Council President Umholtz advised that he will not be able to attend the October 16 Council meeting, but Mr. Skrbis (Council President Pro Tempore) will be in attendance.

Councilman Potter noted that as long as everything works out with their lease agreement and zoning, there will be a new retail LED business in the building previously occupied by Tim Misny on Route 306. He noted that the Bicycle Hub (bicycle shop) will be opening in front of the bakery.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Eilerman moved to adjourn, with the second by Mr. Potter. The motion of Council passed by unanimous vote and the meeting adjourned at 7:40 p.m.

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President of Council

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Clerk of Council