

KIRTLAND CITY COUNCIL MINUTES

February 20, 2019

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, Law Director Daniel Richards, Finance Director Keith Martinet, City Engineer Philip Kiefer, Police Chief Lance Nosse and Economic Development Manager Monica Drake.

ADMINISTRATION OF OATH OF OFFICE:

Mayor Davidson requested that Officer Michael Valenti come forward to be sworn in as Sergeant. Officer Valenti was joined by his wife and daughter as he was sworn in. Mayor Davidson administered the Oath of Office, and Sergeant Valenti received the applause and congratulations of all those present.

Police Chief Nosse stated that Sergeant Valenti has been a part of the Department for 17 years; he has done a great job and is one of the Department's finest.

MINUTES OF THE JANUARY 23, 2019 COMBINED 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: KIREK, LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 4, 2019 WORK SESSION:

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 6/0/1 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

MINUTES OF THE FEBRUARY 4, 2019 COUNCIL 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 6/0/1 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER, SKRBIS AND SMOLIC. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

DEPARTMENT REPORTS:

Police Chief Lance Nosse had no formal report, and there were no questions asked of him.

Economic Development Manager Monica Drake had no formal report. Ms. Drake stated she met with Chief Hutton today to discuss various ideas. Ms. Drake plans to continue following up with potential development opportunities. Ms. Drake stated she has yet to hear back on the strategic plan; she noted it is a little early, but she will check on a timeframe of the feedback report.

DEPARTMENT REPORTS (continued):

Councilman Lesnick stated he was at the strategic planning meeting at Lakeland Community College on February 6, and he was thoroughly impressed with how well the meeting was run. Mr. Lesnick believes there will be good results coming from the meeting.

City Engineer Philip Kiefer advised that his report has been distributed. Responding to Council President Potter, Mr. Kiefer stated he has not yet heard back from the EPA (regarding the Old Town area).

Councilman Lesnick inquired if there was any update regarding Fox Hill, to which Mr. Kiefer stated there is another problem on Rockwood that is being added. Mr. Kiefer stated there is a preliminary draft of the proposal, which he will review before presenting to Council.

Responding to Council President Potter, Mr. Kiefer stated there has been nothing done yet concerning the water situation on Eagle Creek, near the cul-de-sac.

Answering Councilman Lowery, Mr. Kiefer stated there is not a date yet for arrival of the new poles for the crosswalk; however approval of the paint samples was requested.

Responding to Mr. Lesnick's inquiry regarding a punch list of Service Department items to be handled, Mr. Kiefer indicated there is not a punch list at this time.

Mayor Davidson stated that Mr. Catania met with the representative from IAP (the firm contracted for the bidding of the crosswalk), and the last timetable was April/May.

Mayor Davidson stated that Mr. Catania is Service Administrator through the end of the month, and contingent on an upcoming meeting, there should be a Service Administrator candidate before Council for approval.

Finance Director Keith Martinet thanked Council for their recent good wishes. Mr. Martinet stated that he issued the November and December financial statements. Mr. Martinet noted that Councilman Lesnick requested a fully loaded cost per Department; he is working on that and will provide it before the next Council meeting.

Council President Potter stated at the next council meeting, as customary at the second reading of the budget, a Finance Committee meeting will be held immediately following the regular Council meeting. Mr. Martinet advised that he will be available.

Law Director Daniel Richards had no formal report, and there were no questions asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson thanked Councilman Lowery, who has been working with the Planning and Zoning Standing Committee on fee increases that are overdue to be reviewed and increased. Mayor Davidson stated he believes it will bring in some additional revenue and it will be tied to real costs that will be incurred.

Mayor Davidson noted that he is requesting the Council President to schedule a Council-as-a-Whole Committee meeting on Wednesday, March 13, from 6:00 to 7:00 p.m.; he stated that he needs input regarding how Council wants to create the additional revenue in the upcoming budget to cover the hole in the budget. Mayor Davidson stated that Council needs to move forward and begin discussions on the matter in order to have enough time to place it on the ballot if necessary.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Davidson stated he was very pleased with the resident participation in the strategic planning meeting. He stated that Council did a good job advertising the meeting, and he commended Dione DeMitro on a job well done.

Mayor Davidson stated there are a few loose ends left on the CRA. There were letters sent out relating to the Tax Incentive Review Council, and there will be three people recommended to the County Commissioners for appointment - Ken Boyd, Joe Solnosky and Terry Simonian; two by the Mayor, with concurrence – Jay Bagdasarian and Bud Conner; the Auditor will have one position to fill and the Board of Education will have one position to fill. The Mayor noted that he needs names from City Council for two members of the Community Reinvestment Housing Council. He noted that two are appointed by the Commission itself.

Mayor Davidson stated he is waiting on a Finance Director candidate to return the proposed contract, noting that it will be placed on Council's agenda. Mayor Davidson thanked the co-chairs of the Finance Committee for taking the time to interview the candidate. Referring to the VIP software, Mayor Davidson noted that it should provide rapid dissemination of information.

Mayor Davidson reported there are four excellent candidates for Service Administrator. Mayor Davidson stated he has one more person in addition to Councilman Schultz and Councilman Smolic that he would like to sit in on the next round of interviews, so they will have the opportunity to meet the same four individuals. Mayor Davidson would like to move forward and get the approved candidate confirmed, and he stated it should not be problematic for the issue to take an extra reading or two at this point in the season. Mayor Davidson noted that the priorities are Finance Director, then Service Administrator, and afterwards the Zoning Inspector position can be resolved.

STANDING COMMITTEE REPORTS:

Noting that there is a scheduled Utilities Standing Committee meeting after the Council meeting, Councilman Lesnick stated that he would like to allow the Committee time to review the plethora of information received today from the Law Director.

A Finance Committee meeting was scheduled for March 4, immediately following the Council meeting.

Councilman Skrbis noted he had requested a Public Relations Standing Committee meeting on March 4; upon agreement, the meeting was rescheduled for Tuesday, March 5 at 6:00 p.m.

Councilman Lowery reported there was discussion regarding alternate energy at the Planning and Zoning Standing Committee meeting; he hopes to have something ready to submit to Council in the next few weeks.

CORRESPONDENCE:

Council President Potter advised that an Ohio Department of Commerce, Division of Liquor Control, Economic Development TREX transfer form was received; he noted that the current permit holder is Habosky Davidson Enterprises. Mayor Davidson stated he has no relation to the company.

Gretchen Noon was asked to approach Council concerning her request for an additional liquor permit in the City of Kirtland, to open a new business, with a new permit, in the location of the former Copper Top establishment. Ms. Noon approached with her attorney, Mr. Mike Murray. Ms. Noon requested the City Council and Mayor approve an additional liquor permit for the new establishment.

CORRESPONDENCE (continued):

If Council approves the request, Mr. Potter inquired whether there would still be an application process through the state. Mr. Murray responded that nothing is automatic; the first step in the application process is asking the Council to allow an additional permit in the City. He went on to explain that many laws on the record go all the way back to Prohibition. When the 21st Amendment was passed, the decision to allow alcohol in the jurisdiction was still left to the local government.

Mr. Murray stated that based on the population in the City of Kirtland, there are four permits allowed for liquor (beer and wine is separate, along with carryout). He stated that each City has the right to change or expand the number as they wish. Mr. Murray stated there was one approved in the early 1980's, so Ms. Noon's request is not unprecedented.

Mr. Murray stated that Ms. Noon currently owns two other businesses in the area, one being another restaurant in Willoughby. When asked, Ms. Noon responded the new establishment will serve food, but the extent has not yet been determined. In response to questions concerning the economic development transfer, Ms. Noon stated the six employees listed on the request would hopefully grow in time, as the business grows.

Responding to Mr. Lesnick, Ms. Noon stated she was uncertain whether she would be selling liquor on Sundays, noting that a Sunday license would be a future consideration. She stated that beer and wine would be sold on Sundays.

Council President Potter stated the request is that Council make a motion to authorize the Mayor to endorse the request with his signature.

Mr. Richards stated that Council's approval would acknowledge that the transfer would constitute part of an economic development project, and it would authorize the Mayor to sign the document for purposes of transmission to the Liquor Department.

Discussion ensued concerning the ability to transfer the liquor license, should Ms. Noon decide to sell in the future, and the timeline in which Ms. Noon would like a decision from Council.

Responding to Mr. Smolic, Mr. Richards stated there has to be a location for a license. Transferring a license from one location to another may be subject to difficulties, depending on the history of the license and the business it is attached to, and other considerations as to the laws in Ohio pertaining to location and operation (proximity to a school, proximity to a church, etc.). Mr. Richards went on to further state the question before Council is whether or not this request will contribute to an economic development project.

Discussion ensued concerning Ms. Noon's plans for the establishment to be both a bar and a restaurant.

Mr. Lowery moved to make a recommendation to the Mayor to accept the application as an economic development opportunity, with the second by Mr. Kirek. The motion of Council passed by unanimous vote.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

ORDINANCE NO. 18-O-31 - (Tabled) - AN ORDINANCE ADOPTING CHAPTER 1468
(Council President Potter) OF THE CODIFIED ORDINANCES OF THE CITY OF
KIRTLAND RELATING TO ALTERNATIVE ENERGY.

The legislation remains tabled.

NEW BUSINESS:

ORDINANCE NO. 19-O-3 - AN ORDINANCE SETTING THE APPROPRIATION FOR
(Mayor Davidson) THE CALENDAR YEAR 2019.

The legislation was read by title only and placed on First Reading. Mr. Martinet asked that all questions be e-mailed to him.

RESOLUTION NO. 19-R-4 - A RESOLUTION CONFIRMING THE APPOINTMENT OF
(Mayor Davidson) RICK LOCONTI TO THE PLANNING AND ZONING
COMMISSION, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: KIREK, LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. 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: KIREK, LESNICK, LOWERY, POTTER, SCHULZ, SKRBIS AND SMOLIC. VOTING NAY: NONE.)**

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Potter stated his thanks to Mr. Slapnickner for attending the work session and for the good dialog.

When asked, Mr. Martinet stated he would prefer that questions be sent to him as they come up.

Responding to Mr. Smolic regarding a breakdown of road levy funds, Mr. Martinet asked Mr. Smolic to speak to him after the Council meeting.

Discussion ensued concerning the road plan, and the status listed for each road.

Mayor Davidson stated that within the Resolution that was passed, beyond the condition report, there was also a yearly plan to be submitted with the budget, for which Council received the Excel file. He stated that \$525,000.00 is listed as the estimated cost on the Year 1 extract that Mr. Kiefer was asked to produce.

Discussion ensued concerning the budget for road projects, the cost to put them out to bid, and the structure of bids.

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 8:02 p.m.

President of Council

Clerk of Council