

KIRTLAND CITY COUNCIL MINUTES

May 3, 2023

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Joseph Smolic. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Richard Lowery, Matthew Schulz, Joseph Smolic and Eric Ziegler. Absent: Scott Haymer.

Administrative personnel present were: Mayor Kevin Potter, Assistant Law Director Thomas Lobe, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Chief Brian McCallister, Fire Chief Anthony Hutton and Economic Development Director Eddy Eckart.

Waste Management Update – Vince Crawford

Mr. Crawford advised that Waste Management is now branding itself as WM. He spoke about the company's efforts and successes in increasing sustainability. He noted they are the leading recycler in America. All of their trucks are now running on compressed natural gas, with almost zero emission. Mr. Crawford noted that Waste Management is investing in new recycling plants, including a plant in Oakwood. He said they are investing in landfill gas to energy plants. Mr. Crawford said the company has received awards as a "Best for Vets" employer and has been nominated as most ethical company.

Mr. Crawford said they currently have approximately 2,244 customers in the City of Kirtland, noting that last year they collected 2,288 tons of trash and 301 tons of recyclables. He said they are providing approximately 3,000 services per week picking up trash and recycling; and over the course of a year they provide approximately 175,000 services to Kirtland.

With regard to technology, Mr. Crawford noted they are moving to more of a digital platform. He noted that new residents can sign up for services online, or they can call Customer Service if they prefer. Mr. Crawford said that with an online account, customers can pay their bill, see their service history, see the next scheduled pick-up date, or pause their service (one-month minimum). He noted that cart repair or replacement can also be ordered online. Bulk items can be scheduled online for pick-up. Customers can also sign up for alerts.

Mr. Crawford noted the trucks are now equipped with a camera so they can see what is dumped in the truck; it is tied to the computer and the GPS tracking so they know whose carts they are dumping. With the customer's email information, they can notify customers of items that should not be recycled. He said the items that can be recycled has not changed.

Councilman Lowery inquired who covers the cost of cart repair or replacement. Noting it is their equipment, Mr. Crawford said they take care of replacing it for the customer; it is usually a one week time frame. He noted residents can call or go online for that purpose.

Councilman Schulz inquired if the suspension of service includes a credit to the bill. Mr. Crawford said if the service is paused for a minimum of one month, the customer would not be charged for that month.

With regard to the gas to energy from landfills, Council President Smolic inquired about the gas burning at the landfill in Kirtland. Mr. Crawford said the landfill was closed in the 1980's, and he believes the gas will continue to burn off. He noted that with the infrastructure improvements, the company may look to address some of the older landfills. Mr. Crawford noted there are different types of methane, some has water and other particles. He noted there is a video on their website addressing the process.

Waste Management Update (continued)

Council President Smolic inquired about the market for recycling plastics, cardboard, etc. Mr. Crawford said that in 2020 the cardboard market was \$185 per ton; it is now \$35 per ton. He noted the market has also dropped for paper, but plastics and metal still have good value. Mr. Crawford said that Waste Management will no longer send any plastics outside of North America.

Sterling Coleman, 7636 Markell Road, said he is a “snowbird” and he thanked Waste Management for addressing their interface. His account was paused, but he was not able to restart service online; he had to call. He said other than that, the service is good.

Council President Smolic thanked Mr. Crawford for providing the update to Council.

MINUTES OF THE APRIL 17, 2023 WORK SESSION:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND LOWERY. VOTING NAY: NONE).**

MINUTES OF THE APRIL 17, 2023 COUNCIL MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND LOWERY. VOTING NAY: NONE).**

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Councilman Lowery moved to suspend the rules of Council in order to consider Resolution No. 23-R-33 out of sequence. Councilman Schulz provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND LOWERY. VOTING NAY: NONE).**

RESOLUTION NO. 23-R-33 - **A RESOLUTION APPOINTING SUZANNE M. GRAZIA AS THE WARD 4 COUNCILPERSON OF THE KIRTLAND CITY COUNCIL TO FILL THE UNEXPIRED TERM OF JEFFREY RUPLE, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND LOWERY. VOTING NAY: NONE).**

Ms. Suzanne Grazia was asked to come forward, and Mayor Potter administered the Oath of Office to Ms. Grazia. She received the applause and congratulations of all those present.

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report has been distributed. Chief Hutton noted that the last few weeks have been busy for the Fire Department responding to fire calls. He advised that the promotional tests started yesterday with the written test, and the oral board will be on Saturday at City Hall. There will be a promotion of one captain and three lieutenants.

Police Chief Brian McCallister expressed his gratitude to the area Departments for coming together in the handling of a recent incident; the Fire Department assisted on the scene and the Service Department provided their resources to close the road. He stated special thanks to the officers that were on scene; they did an excellent job de-escalating and getting the incident under control.

Chief McCallister thanked Bryson Durst of the News Herald, who wrote a nice article about the Police Department's community policing initiatives.

Service Director Joseph Fornaro advised that brush pick-up has been completed; he thanked the crew for doing an outstanding job. He thanked the residents who followed the rules and put the brush out correctly, making for a smoother pick-up.

Noting that he believes winter is over, Mr. Fornaro said they started getting the trucks ready for summer. He noted there are two plows available if needed.

Councilman Fenstermaker inquired about the new trucks. Mr. Fornaro advised that one truck should be in at the end of this week; the second truck is scheduled to be in by the end of July.

Council President Smolic inquired about salt usage. Mr. Fornaro advised he will have that available for the next meeting.

City Engineer Douglas Courtney advised that the bid schedule is set for the road program; it will be advertised on May 23, with a bid opening on June 6. A recommendation will be before Council at the June 19 meeting. He has received the pavement assessments for all the streets in Kirtland, noting that he and Mr. Fornaro will be reviewing that spreadsheet and providing additional data to finalize those assessments.

With regard to Old Town sewers, Chivers Construction completed installation of the 20-inch sewer along Route 306 and the directional bore from the end of Eisenhower to Elm Street.

With regard to the Fox Hill drainage project, Mr. Courtney noted the change order was discussed during the work session; he requested that the legislation be passed tonight.

With regard to Aqua projects, Mr. Courtney advised that the water main work on Kirtland-Chardon is complete. For Monterey, there is a pre-construction meeting on May 20; the work on the water main is expected to take about two months.

Councilman Fenstermaker inquired when Mr. Courtney expects to share the street assessments with Council. Mr. Courtney advised it is a preliminary spreadsheet, and the final product will include the roadway videos, the mapping, and a web-based interface. Once that information is available, it will be shared with Council.

DEPARTMENT REPORTS (continued):

Economic Development Director Eddy Eckart advised that he has been working closely with the Mayor and Mr. Lallo on the proposed development of City Hall property, which was presented at the last Planning and Zoning Commission meeting. He noted there are representatives from Marous Brothers in attendance tonight.

Assistant Law Director Thomas Lobe did not present a formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter congratulated Suzanne Grazia on her appointment to Ward 4 City Councilperson. He noted Ms. Grazia has been a member of the Board of Zoning Appeals for approximately eight years, and she has done a tremendous job on that Board. She is a lifelong Kirtland resident, a successful small business owner, and she is vested in this community; she will serve Council very well.

Mayor Potter reported that it was a great weekend with clean-up of veterans' and seniors' properties by the Mayor's Action Network. He thanked Councilmen Lowery, Smolic and Ziegler, Mr. Fornaro, Ms. Szary, and the many volunteers from the Latter-day Saints Church. He also thanked Sergeant Valenti, who was in uniform and able to come out and help with yard clean-up.

The Veterans' Memorial clean-up will be held the morning of May 20; he noted it is a great way to give back to the community and support the Veterans' Memorial with the American Legion, Kiwanis and the Garden Club.

Mayor Potter advised that the Memorial Day parade will begin at 11:00 a.m. this year, one hour later than usual. The parade will kick off at the High School and end with a service at the Veterans' Memorial. The American Legion will provide hot dogs after the service. The Mayor advised that the speaker will be Kirtland Police Lieutenant Jamey Fisher, noting that he served in the U. S. Army.

Noting that the solar energy ordinance is on Third Reading tonight, Mayor Potter thanked Aaron Godwin and Law Director Lallo for all their hard work on this ordinance throughout the past year.

Mayor Potter noted that also on the agenda for Second Reading is the Resolution to appoint Jim Palec to the Board of Zoning Appeals. He requested that Council consider waiving the three readings and adopt the Resolution, noting that it would be helpful to the Board to have him appointed tonight.

Mayor Potter noted there are representatives present from Marous Development to talk about the potential MOU between the City of Kirtland and Marous Development. The Mayor noted that over the course of the next six months, there will be opportunity to work and negotiate with Marous to decide if the project, or a similar project, is a good fit for Kirtland. He noted there is a good opportunity to engage the residents over the next weeks and months regarding the potential development on the City Hall property for retail, restaurants, coffee shops, housing for seniors and professionals, and office space for professionals. He noted it is a good opportunity to create the downtown center in Kirtland that has been discussed over the last 15 years. The Mayor noted there has been input received from the surveys and the strategic planning night at Lakeland Community College a few years ago. He noted that the input received points to the desire for more economic activity in the downtown center as well as residential living.

STANDING COMMITTEE REPORTS:

Councilman Lowery noted that a Recreation Standing Committee meeting was held this evening before the Council meeting. There was discussion about some of the small outbuildings in the Recreation Park, for soccer, football and baseball. He noted there are four or five sheds, and they are deteriorating and in need of repair. Mr. Lowery said the Committee suggested they meet with the various commissioners of those entities and come up with a plan to raise funds to fix these outbuildings, and possibly consider demolishing all of them and building one large building to house all the supplies. He noted this is not something that needs to be done this year; it would be for the season next year.

Council President Smolic noted that Mr. Fornaro would like to meet with the Service Department Standing Committee regarding the contract with Waste Management, which expires in December. It was agreed that a meeting be scheduled for Saturday, May 6 at 8:00 a.m. at the Service Garage (since City Hall will be in use by the Fire Department for testing).

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

ORDINANCE NO. 23-O-17 - (Third Reading) - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1468.05 RELATING TO SOLAR ENERGY, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Fenstermaker moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).**

ORDINANCE NO. 23-O-18 - (Third Reading) - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1468.06 RELATING TO GEOTHERMAL ENERGY SYSTEM STANDARDS, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Fenstermaker moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).**

OLD BUSINESS (continued):

ORDINANCE NO. 23-O-22 - (Third Reading) - AN ORDINANCE AMENDING
(Councilman Haymer) CODIFIED ORDINANCE SECTION 1024.02 RELATING
TO THE INSTALLATION OF CULVERTS AND RIGHTS-
OF-WAY, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to amend the legislation to substitute Exhibit A with the modified version provided by the Law Director. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** With the amendment, the legislation reverts to Second Reading.

ORDINANCE NO. 23-O-23 - (Third Reading) - AN ORDINANCE AMENDING
(Councilman Haymer) CODIFIED ORDINANCE SECTION 1024.04 RELATING
TO THE CHARGES IMPOSED UPON PROPERTY
OWNERS FOR THE CITY'S INSTALLATION OF
CULVERTS, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to amend the legislation to substitute Exhibit A with the modified version provided by the Law Director. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** With the amendment, the legislation reverts to Second Reading.

ORDINANCE NO. 23-O-24 - (Third Reading) - AN ORDINANCE AMENDING
(Councilman Haymer) CODIFIED ORDINANCE SECTION 1026.03 RELATING
TO CHARGES FOR WORK DONE ON STORM SEWERS
BY THE CITY IN LIEU OF PROPERTY OWNERS, AND
DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to amend the legislation to substitute Exhibit A with the modified version provided by the Law Director. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** With the amendment, the legislation reverts to Second Reading.

ORDINANCE NO. 23-O-25 - (Third Reading) - AN ORDINANCE AMENDING
(Councilman Haymer) CODIFIED ORDINANCE SECTION 1028.01 RELATING
TO DRIVEWAY APRONS, AND DECLARING AN
EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to amend the legislation to substitute Exhibit A with the modified version provided by the Law Director. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** With the amendment, the legislation reverts to Second Reading.

OLD BUSINESS (continued):

ORDINANCE NO. 23-O-26 - (Third Reading) - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.04 RELATING TO THE MAINTENANCE OF DRIVEWAY CULVERTS, AND DECLARING AN EMERGENCY.**
(Councilman Haymer)

The legislation was read by title only. Mr. Schulz moved to amend the legislation to substitute Exhibit A with the modified version provided by the Law Director. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** With the amendment, the legislation reverts to Second Reading.

ORDINANCE NO. 23-O-27 - (Third Reading) - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.05 RELATING TO THE RECOUPMENT OF COSTS FOR WORK PERFORMED BY THE CITY ON DRIVEWAYS AND APRONS, AND DECLARING AN EMERGENCY.**
(Councilman Haymer)

The legislation was read by title only. Mr. Schulz moved to amend the legislation to substitute Exhibit A with the modified version provided by the Law Director. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** With the amendment, the legislation reverts to Second Reading.

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Upon discussion, Mr. Schulz moved to return to Ordinance No. 23-O-22 for discussion, which shall be deemed a motion to reconsider, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).**

ORDINANCE NO. 23-O-22 - (Second Reading) - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1024.02 RELATING TO THE INSTALLATION OF CULVERTS AND RIGHTS-OF-WAY, AND DECLARING AN EMERGENCY.**
(Councilman Haymer)

Mr. Schulz referred to Section (d), noting that if it is part of a project, it should be included in project costs. Mr. Fornaro said he believes this refers to matters that are not part of a city project; if a driveway culvert is failing, the City should not be responsible for those costs. Mr. Fornaro said the resident would be given time to repair it, but if nothing is done, this Ordinance would address that. Mr. Schulz noted that if there is some construction that occurs requiring the City to remove the apron, the homeowner should not be responsible for the cost of replacing it. Mr. Fornaro responded that if it is tied to a City project, the City will include it as part of the project.

Mr. Schulz moved to further amend Exhibit A, paragraph (d) of the legislation, to strike the language “or the State Department of Transportation” and to add the language “excepting Citywide drainage projects” at the end of paragraph (d). Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 5/1 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: LOWERY).**

RETURN TO OLD BUSINESS:

ORDINANCE NO. 23-O-30 - (Third Reading) - **AN ORDINANCE ADOPTING A COMPREHENSIVE GENERAL PLAN UPDATE FOR THE CITY OF KIRTLAND, OHIO.**
(Council President Ruple)

The legislation was read by title only. Mayor Potter advised that an updated plan document was provided to Council, with page numbers added and the correction to the reference to Resolution 18-R-21, as mentioned by Councilman Schulz at the last meeting. Mr. Schulz moved to amend the Ordinance to incorporate the revised Exhibit A. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** With the amendment, the legislation reverts to Second Reading.

Mr. Ziegler moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** Mr. Ziegler moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).**

RESOLUTION NO. 23-R-32 - (Second Reading) - **A RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES PALEC TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).**

NEW BUSINESS:**PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:**

None.

RESOLUTION NO. 23-R-34 - **A RESOLUTION AUTHORIZING A CHANGE ORDER WITH GRADE LINE, INC. FOR THE FOX HILL DRIVE DRAINAGE IMPROVEMENT PROJECT TO INCREASE THE CONTRACT AMOUNT BY \$6,972.59, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).**

NEW BUSINESS (continued):**RESOLUTION NO. 23-R-35**
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO ENGAGE WITH MAROUS DEVELOPMENT GROUP LLC FOR THE POTENTIAL DEVELOPMENT OF CITY HALL PROPERTY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mayor Potter advised that with this Memorandum of Understanding, the City will work solely with Marous Development for up to the next six months related to potential development of City Hall property. The Mayor noted that with the potential cost and investment from the developer, it is fair that the City work with them related to the possible sale or development of City Hall property. Mayor Potter noted that he and Mr. Eckart met last night and had a good discussion with Mr. Fenstermaker and several residents he has asked to provide their honest assessment and opinion of the project. The Mayor noted there will be a lot of dialogue throughout this process with the public.

Councilman Schulz inquired about the community entertainment district mentioned in the MOU. Mayor Potter noted it could potentially be considered. Mike Vidmar, Director of Acquisitions for Marous Development Group, advised that a community entertainment district is set by Ohio; it is something that can be discussed in conjunction with the development of this property.

Jon Sines, Director of Development for Marous Development Group, said they are looking for the MOU to proceed in a partnership of design. He said the massing plan was prepared to get a feel for the design elements and provide a platform for discussion. He noted they are asking for a partnership in design; they will engage architects and engineers for the due diligence of the project, along with the financial responsibilities on their part. They are looking to keep the project moving, continue with neighborhood meetings, and continue to receive input on the layout. As they obtain more information on the parcel, the design will evolve.

Council President Smolic inquired if this is a standard procedure that has been done with other cities. Mr. Sines said it is a normal first step for many projects. He noted the next step would be a development agreement, when there is a viable agreed upon project.

Answering Councilman Schulz, Mayor Potter advised that last year Mr. Eckart reached out to Joe Aveni from Marous Development; at the same time, Mr. Sankovich had approached him and Mr. Eckart to discuss potential investment development in the City of Kirtland.

Mr. Sines said that Mr. Marous extends his apologies; he could not be present tonight.

With regard to the economic impact analysis, Councilman Schulz inquired if that would be done by a third party. Mayor Potter said it will be determined what the retail and commercial side will bring in income tax, noting that Mr. Eckart will be working with the Lake County Auditor's office with regard to the future value of the City property. The City will also hear from Marous with regard to townhomes or loft apartments, average incomes, to try to establish the economic benefit to the City. The Mayor said he believes a lot of this work can be done by the City with the input of Mr. Eckart, the County Auditor's office, Mr. Lallo, and City Council. He noted he has asked Mr. Fenstermaker to be his "right-hand person" as the City moves through this process. Mayor Potter added that if it is necessary, someone from the outside that could provide more data could be brought on board.

NEW BUSINESS (continued):

Mr. Schulz said he was curious why the City did not issue an RFP, with the scope of work looking to be done. He noted that he would like the City to be competitive in this regard. Mayor Potter agreed that an RFP is an option, but he noted the benefit of reaching out and having these discussions over the course of the last several months with representatives of Marous Development and Mr. Sankovich; their willingness to bring an adjoining property into the project could change the scale of the project. He noted that with an RFP, the City could not require that the neighboring property owner be approached to bring them into the development. The Mayor noted that if in the next several months the City cannot get to the point of reaching a strong agreement in favor of the City of Kirtland, an RFP can be considered at that point.

Councilman Fenstermaker inquired about the Cocca property, noting that it is not included in the conceptual drawings. Mr. Vidmar advised that they have an agreement with the Cocca's to work with them, but they have not engaged the architects and engineers; it is part of the evolving discussion of how their property fits in with the development of the City property. Discussion ensued.

Councilman Lowery asked for a summary of the next six months. Mr. Sines said there will be a hard dive into existing conditions, along with discussions with Lake County Department of Utilities to make sure there is capacity for the sewer. They will work with Mr. Courtney to further develop plans. They will work with Mr. Sankovich regarding the best use, and start their market performance to make sure the project is viable so they can start negotiations into the value of the land, and negotiations for the sale. Mr. Sines said he has had conversations with an engineering firm and Payto Architects, who prepared the massing plan; they are already developing proposals, and they will engage them to take the next steps in design. Mr. Sines said there will be a lot of meetings. He said they are spending significant dollars to evaluate this project.

Mr. Lowery moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 5/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: SCHULZ).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. Councilman Schulz inquired about Section F in the MOU, noting that he is trying to understand how the schools would feel about a TIF or a tax abatement. Mayor Potter advised that the language is in the MOU because projects such as this one often have those discussions. He said this does not commit the City of Kirtland to those, but establishes the foundation for some of the tenets that may come about in discussion. Councilman Schulz then requested that his vote be changed to a yes on the previous motion. Assistant Law Director Lobe indicated he could do that. However, there was no motion to reconsider addressing the waiver of three readings and thus no new vote was recorded.

Voting began on the motion to declare an emergency and adopt. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND LOWERY. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

Mayor Potter advised that there is a purchase agreement in place for the property on the northwest corner of Route 6 and Route 306 for a significant health care establishment. He said he, Mr. Courtney, Mr. Fornaro and Mr. Eckart will be engaging the Lake County Department of Utilities, because such a project would necessitate package plant sewers to go forward. The Mayor noted a concept plan will probably come before the Planning and Zoning Commission in June.

Aaron Godwin, 10299 Longview Drive, said it might be beneficial to have comment from Council about the process of developing City Hall property. He said he is in support, but because it is City property it would be beneficial to have it open to the public about the process.

ADJOURNMENT:

Mr. Schulz moved to adjourn, with the second by Mr. Ziegler. The motion of Council passed by unanimous vote and the meeting adjourned at 8:34 p.m.

President of Council

Clerk of Council