

## KIRTLAND CITY COUNCIL MINUTES

December 2, 2019

The inaugural ceremony began at 7:00 p.m. Following the Pledge of Allegiance, the invocation was given by Deacon John Grazia of Divine Word Catholic Church. Mayor-Elect Kevin Potter introduced Maureen G. Kelly, Lake County Clerk of Courts. Following an address by Maureen Kelly, Ward Council Members Kelly Wolfe, Scott Haymer, Joseph Smolic and Jeffrey Ruple were administered the Oath of Office by Clerk of Courts Maureen Kelly. Immediately following, Mayor Kevin Potter was administered the Oath of Office by Clerk of Courts Maureen Kelly. The inauguration ceremony concluded with a benediction by Deacon Grazia.

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The meeting of Kirtland City Council was called to order at 7:15 p.m. by Councilman Matthew Schulz. The members of Council present were: Scott Haymer, John Lesnick, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe.

Administrative personnel present were: Mayor Kevin Potter, Law Director Daniel Richards, Assistant Finance Director Louis Slapnicker, City Engineer Philip Kiefer, Service Administrator Duane Martz, Police Chief Lance Nosse, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake.

### ORGANIZATIONAL MEETING

#### RESOLUTION NO. 19-R-52 (Council as a Whole)

- **A RESOLUTION RECORDING THE ELECTION OF THE PRESIDENT OF COUNCIL FOR THE TERM ENDING NOVEMBER 30, 2020, AND DECLARING AN EMERGENCY.**

Mr. Schulz announced that nominations were open for the Office of President of Council. Mr. Smolic nominated Richard Lowery, with the second by Mr. Lesnick. There being no further nominations, Mr. Lesnick moved to close the nominations, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt the legislation recording Mr. Lowery as President of Council; Mr. Smolic provided the second. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

#### RESOLUTION NO. 19-R-53 (Council as a Whole)

- **A RESOLUTION RECORDING THE ELECTION OF THE COUNCIL PRESIDENT PRO TEMPORE FOR THE TERM ENDING NOVEMBER 30, 2020, AND DECLARING AN EMERGENCY.**

Mr. Schulz announced that nominations were open for the Office of Council President Pro Tempore. Mr. Lesnick nominated Jeffrey Ruple, with the second by Mr. Lowery. There being no further nominations, Mr. Lesnick moved to close the nominations, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

**ORGANIZATIONAL MEETING – RESOLUTION NO. 19-R-53 (continued):**

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt the legislation recording Mr. Ruple as Council President Pro Tempore; Mr. Lesnick provided the second. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

Councilman Schulz then relinquished his duties as Council President Pro Tempore and turned the meeting over to Council President Lowery. Mr. Lowery thanked Council members for the appointment as President of Council. He noted that it is okay to ask a lot of questions and agree to disagree; he stressed the importance of listening to one another and reaching a compromise when necessary. Mr. Lowery stated he intends to move the City forward to the benefit of all.

**RESOLUTION NO. 19-R-54**  
**(Council as a Whole)**

- **A RESOLUTION APPOINTING DENISE A. ROELLE AS CLERK OF COUNCIL AND ESTABLISHING WAGE AND DUTIES, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

**RESOLUTION NO. 19-R-55**  
**(Council as a Whole)**

- **A RESOLUTION RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2019 THROUGH NOVEMBER 30, 2020, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

**REGULAR MEETING****MINUTES OF THE NOVEMBER 18, 2019 COUNCIL MEETING:**

Mr. Lesnick moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Lesnick moved to adopt the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 3/0/4 (VOTING YEA: LESNICK, LOWERY AND SMOLIC. VOTING NAY: NONE. ABSTAINING: HAYMER, RUPLE, SCHULZ AND WOLFE).**

**DEPARTMENT REPORTS**

**Fire Chief Anthony Hutton** congratulated the new Council members and Mayor Potter, noting that he looks forward to working with everyone. He noted that the formal report will be distributed for the next meeting.

Responding to Councilman Smolic, Chief Hutton confirmed that the demolition of the house on Chillicothe Road (that was destroyed by fire) has been completed. He stated that he worked with Zoning Inspector Baumgart in this process. Chief Hutton said he is not yet aware of plans for rebuilding.

**Police Chief Lance Nosse** congratulated the new Council members and Mayor. Chief Nosse did not present a formal report, noting that it will be distributed for the next Council meeting.

Chief Nosse thanked his Department for their actions last Wednesday in delivering several meals (approximately 20) to needy families in the City. He stated all of the officers and dispatchers volunteered their time the day before the holiday. Chief Nosse stated he is proud of the men and women of the Police Department for all they do for the community.

Chief Nosse reported on a situation where a vehicle was stolen in another community and was involved in an accident in front of Lakeland Community College; the vehicle left the scene of the accident and led officers on a pursuit. He noted that the pursuit entered Chester Township, where the vehicle was stopped with the help of the Chester Police Department. Chief Nosse stated that both subjects were apprehended and, thankfully, there were no injuries to officers or others. Chief Nosse stated that the Kirtland officers did a phenomenal job handling the situation, and he stated thanks to Chester Township for their involvement.

Councilman Haymer inquired about the Hoops for Heroes event on December 13 at 5:00 p.m. Chief Nosse stated that the Police Department, Fire Department, School Administration and the senior class will engage in a friendly basketball competition. He stated that donations are being collected, which will benefit the community.

**Economic Development Manager Monica Drake** congratulated Mayor Potter and the new Council members. Ms. Drake stated that tomorrow she will be attending an informational meeting at ODOT regarding funding and grants; she thanked Councilman Schulz for providing her with the information for this meeting.

Ms. Drake stated she looks forward to moving forward with the strategic plan that began last February.

Ms. Drake noted that the City of Wickliffe has arranged for a program relating to an economic development tool used by other cities, including training on use of the software.

**Service Administrator Duane Martz** congratulated the new Ward Council members and the Mayor. He did not present a formal report.

Councilman Smolic inquired if patching is completed for the year. Mr. Martz stated there is still some crack sealing to be done.

Councilman Lesnick thanked Mr. Martz for getting the light fixed on Kirtland-Chardon Road.

**City Engineer Philip Kiefer** congratulated the new Council members and the Mayor, noting that he looks forward to working with everyone in the future. He stated he will present a formal report for the next meeting.

**DEPARTMENT REPORTS (continued):**

Councilman Smolic inquired if work will be starting on Tibbetts Road. Mr. Kiefer stated there is a problem with the pipes, noting that he will provide more detail at the next meeting. Mr. Kiefer stated that the work on Wisner and Fox Hill is complete, except for seeding. Mr. Kiefer confirmed that the patching on Billings is done, but the patching wiped out the edge lines; he noted that Mr. Martz is obtaining prices for striping of the edge lines.

Answering an inquiry from Councilman Lesnick regarding Wisner Road, Mr. Kiefer stated that a retaining wall was built at the north end. There was brief discussion regarding the bank stabilization.

**Assistant Finance Director Louis Slapnicker** congratulated Mayor Potter and members of Council, noting that he looks forward to working together. Mr. Slapnicker did not present a formal report, but he advised that the City received escrow funds from Lake County in the amount of \$313,971.51; included in that amount was \$8,054.34 interest. Mr. Slapnicker noted there are two items on tonight's agenda – the 2020 temporary appropriations and the amended 2019 appropriation. He requested that the amended appropriation be passed at tonight's meeting.

**Law Director Daniel Richards** congratulated Council President Lowery and the new members of Council; he also congratulated Mayor Potter. Mr. Richards noted the important challenge of working together between the legislative body of the City and the administrative body, noting that the effort to work together and build consensus will benefit the public. Mr. Richards stated the importance of keeping the channel of communication open within the framework of the Sunshine Laws of the State of Ohio. Mr. Richards mentioned that he is available by e-mail or phone to answer any questions.

Councilman Schulz inquired when the Sunshine Law training will take place. Noting that it is usually held in the spring, the Clerk of Council stated that she will advise Council once notification of the training is received. Council President Lowery stated that new Council members should attend the training.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

**Mayor Kevin Potter** thanked all those present for attending tonight's meeting. He thanked Lake County Clerk of Courts Maureen Kelly for administering the Oath of Office, noting that Lake County is fortunate to have her in the role of Clerk of Courts. The Mayor thanked Deacon John Grazia for giving the invocation and benediction during tonight's inaugural ceremony. Mayor Potter congratulated the newly elected Council members, noting that he looks forward to working with each of them.

Mayor Potter read a statement he prepared, noting that he looks forward to working with Department leaders and Council members to begin to shape and mold a better Kirtland. He stated that the common ground sought will be done for the benefit of the community, and he noted the importance of valuing one another's opinions. Mayor Potter noted there are challenges, but the City has an excellent Council, capable Department heads, and many talented residents ready and willing to serve. Mayor Potter stated that to address the roads, in the coming weeks he will be appointing a road paving task force made up of resident professionals. With regard to the commercial tax base, the Mayor stated he will seek Council's help in creating an economic development roundtable. To address the seniors and recreation needs, Mayor Potter stated an ad hoc committee has already been established, comprised of the youth recreation leaders and Kiwanis members working to improve the existing facility. The Mayor stated in the next 90 days, the building blocks will be set, which will be a key to the City's success. Mayor Potter reiterated the appreciation he has for the position to which he was elected and the responsibility that comes with the position. He stated that he will tirelessly work to find better solutions for the City, in a way that will keep City Council informed and the community engaged.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

Council President Lowery acknowledged receipt of a notice of request from the Ohio Division of Liquor Control for a new C1, C2 permit for 9189 Chillicothe LLC, dba Mike's Market (at 9189 Chillicothe Road). Responding to Mr. Lowery, Mr. Richards advised that Council should make a motion regarding whether or not they wish to object to the issuance of the permit; he noted Council can defer this until the December 16 meeting, since the City's reply is due December 27, 2019. Mr. Richards stated that Council should determine whether there is any legitimate reason to object to the issuance of the permit and demand a hearing in this regard. Mr. Richards stated that an objection must have substantial evidence to support that the permit should be denied for the reasons stated in the Ohio Revised Code. Mr. Richards stated that liquor licenses are regulated and under control of the Ohio Division of Liquor Control.

Mr. Richards noted that the Police Chief should advise if there are any issues with the establishment. Mr. Richards stated this is not a permit relating to serving alcohol on the premises; it relates to sale of beer and wine for off-premises consumption.

Councilman Lesnick stated these are permits that are issued by the Ohio Division of Liquor Control; this particular request relates to issuing permits of a specific type, and not for the beverage center that was across the street. He stated the request is for a C1 permit, which is beer only, and a C2 permit, which is wine and mixed beverages, in sealed containers for carry-out only. Mr. Lesnick noted that the mixed beverages are considered low-proof; this does not relate to renewing the permit for the high-proof spirits at that location.

Noting that they received the notice today, Police Chief Nosse stated his Department has begun the process of looking into this matter.

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

None.

**OLD BUSINESS:**

**ORDINANCE NO. 19-O-51**  
**(Mayor Davidson)**

- **(Second Reading) - AN ORDINANCE PROVIDING  
TEMPORARY APPROPRIATIONS FOR THE  
THREE MONTH PERIOD ENDING MARCH 31,  
2020.**

Read by title only and placed on Second Reading.

**NEW BUSINESS:****RESOLUTION NO. 19-R-56  
(Council as a Whole)**

- A RESOLUTION APPOINTING MAYOR KEVIN F. POTTER AS DIRECTOR OF PUBLIC SAFETY, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

**RESOLUTION NO. 19-R-57  
(Council as a Whole)**

- A RESOLUTION APPOINTING MAYOR KEVIN F. POTTER AS DIRECTOR OF PUBLIC SERVICE, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

**RESOLUTION NO. 19-R-58  
(Mayor Potter)**

- A RESOLUTION CONFIRMING THE APPOINTMENT OF MAYOR KEVIN F. POTTER AS DELEGATE AND FINANCE DIRECTOR MARY KOVALCHIK AS ALTERNATE TO THE REGIONAL INCOME TAX AGENCY REGIONAL COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

**RESOLUTION NO. 19-R-59  
(Mayor Potter)**

- A RESOLUTION APPOINTING FINANCE DIRECTOR MARY KOVALCHIK AS TAX ADMINISTRATOR FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

**NEW BUSINESS (continued):****ORDINANCE NO. 19-O-60**  
**(Mayor Potter)****- AN ORDINANCE AMENDING ORDINANCE NO. 19-O-42 RELATING TO THE APPROPRIATION FOR THE YEAR 2019.**

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mrs. Wolfe. Assistant Finance Director Slapnickner stated that there are four changes, referring to the explanation provided in the Council packets. He stated there is a reduction of \$300,000 (Fund 313) for Recreation Park projects that are not taking place in 2019. There is an increase of \$32,821 for the Route 306 resurfacing project – this is ODOT and OPWC monies that are paid directly to Karvo Construction; he noted the City is required to run those through the books as a revenue and expenditure. There is an increase of \$40,000 in Fund 400 for street opening deposits; he noted the funds are released back once everything has been inspected. There is an increase for Fund 403 relating to the house fire that occurred on Chillicothe Road; this is an increase for the release of those funds. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Lesnick moved to adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

**CONTINUING CONCERNS:**

None.

**COUNCIL COMMENTS:**

Councilman Schulz stated his appreciation for the support he received by way of calls and text messages following his recent surgery.

**PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

Mr. Schulz moved to adjourn, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote. The time was 7:57 p.m.

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President of Council

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Clerk of Council