

## KIRTLAND CITY COUNCIL MINUTES

November 3, 2021

The meeting of Kirtland City Council was called to order at 7:01 p.m. by Council President Richard Lowery. Mr. Schulz led the prayer which followed the Pledge of Allegiance. 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 Matthew Lallo, Assistant Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Sergeant Jamey Fisher, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

### MINUTES OF THE OCTOBER 18, 2021 FINANCE COMMITTEE MEETING:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 5/0/2 (VOTING YEA: LOWERY, RUPLE, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ AND WOLFE).**

### MINUTES OF THE OCTOBER 18, 2021 COUNCIL MEETING:

Mr. Ruple moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Ruple moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/2 (VOTING YEA: LOWERY, RUPLE, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ AND WOLFE).**

### MINUTES OF THE OCTOBER 20, 2021 SPECIAL COUNCIL MEETING:

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: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised the October report will be distributed at the next Council meeting. The call volume continues to be up. Chief Hutton went on to say it seems every month is a busy month, and the Department is on track to surpass the busiest year on record, possibly by early December.

Chief Hutton expressed appreciation to the Willoughby Elks Club for their donation of tech rescue equipment, mainly winch accessories. The brush truck that was purchased with grant money several years ago has a 16,000 pound winch. The brush truck and the ATV respond to all tech rescue calls and HAZMAT calls in Lake County and are a valuable asset to the community. Both vehicles have the ability to go off-road, which many large rescue trucks do not.

The Fire Department will be participating in joint training on the 16th and 17th with Kirtland Police Department and other area departments. The training will include active shooter rescue task force and mass casualty incident training.

**DEPARTMENT REPORTS (continued):**

Chief Hutton advised that next week he will attend a Firefighter/Police Officer mental health in-service symposium in Eastlake. Unfortunately, there have been several police officer and firefighter suicides over the years and this past year. There will be speakers and open discussion similar to peer-counseling and training.

**Sergeant Jamey Fisher** advised that the statistical report will be distributed at the next Council meeting. The Police Department did not get the \$25,000 grant for the K-9 program, however they continue to look for grant opportunities to fund the program.

The paperwork was submitted in time to the State of Ohio to receive reimbursement for the 24-hour mandated CPT training.

**Service Director Joseph Fornaro** advised there are three trucks ready for the upcoming winter, and an additional vehicle is currently being prepared.

Service crews used nine pallets of crack seal this year, which is almost double the number done last year. Billings Road has been completed, so most of the surface paving has been done for the road program.

Mr. Fornaro advised that brush pickup will begin next week, noting that the schedule is Wards 2 and 4 next week and Wards 1 and 3 the week of the 15th.

Councilman Schulz said he heard from a couple residents on Springer Drive expressing their appreciation for the work that was done relative to their aprons. He said he had the opportunity to drive the area yesterday in the rain to see how it drained, and it was doing very well. He asked if there will be pavement markings placed on Route 6 if the weather warms; Mr. Fornaro responded the crack seal has just been finished, and the contractor for the pavement markings will hopefully be out soon.

Mr. Fornaro advised that the rejuvenator that was to be put down will need to be held off; he noted that Singlefoot, Arborhurst, and Wrenwood will be completed in the spring.

Councilman Lesnick inquired about the expected salt cost per ton this year. Noting that he believes it is up \$1.50 from last year, Mr. Fornaro advised that he will check and get back to him.

**City Engineer Douglas Courtney** began his report with an update on Old Town sewer improvements. The EPA made a few comments on the initial submittal for the permit to install. Revisions were made, and the plans were submitted on the 28th. There has been feedback received from the initial reviewer, who had no more comments, and the submission has been forwarded for management's review.

The public information session for the Old Town sewer project was held on Thursday, October 28, at the high school gymnasium, and was well attended. The current cost estimated for the project remains at \$3.2 million. Mr. Courtney is still waiting on an update on the wastewater infrastructure grant application that was submitted in mid-September. The grant application, if approved, would cover 50 percent of the total project cost.

Mr. Courtney also reached out to the H2Ohio fund for information on how to apply for funding. He has received a reply stating the request was being forwarded to the EPA, who will reach out to him to discuss applying for the grants.

**DEPARTMENT REPORTS (continued):**

Concerning the street rehabilitation and maintenance, all surface course asphalt has been installed on Springer, Beechwood, Oakwood and Billings. Remaining work includes berm installation, pavement striping, and surface seals on Billings, Springer, Beechwood and Oakwood. Due to temperatures, the surface seals may have to be postponed until spring. They are awaiting suitable temperatures for Wrenwood, Singlefoot and Arborhurst.

The contract status as of yesterday, without the final quantities for Billings Road which was completed today, completed items are \$1,473,400. There are roughly \$217,300 of items yet to be completed, which brings the subtotal to approximately \$1.6 million. The Mitchells Mill Road rehab was \$16,950, which is on a separate purchase order that will be split with Kirtland Hills. The projected completion of the repair and resurface portion of the project is \$1.641 million.

The street maintenance was pavement striping, reclamante (which is on hold for the moment), crack seal (which is completed), and the chip seal (which is completed). Those items were \$221,785. Projected completion of the repair and maintenance program is \$1.863 million, adding overhead brings it to almost \$2.044 million. Approximately \$189,000 is projected to carry over to next year for street repairs.

Answering Councilman Haymer, Mr. Courtney explained H2Ohio funding covers many different areas related to clean water. There is a portion of the program that deals with failing septic systems. Basically any grant money received toward the project helps the residents, because grant money does not have to be paid back and will reduce the cost of the project.

Councilman Lesnick thanked Mr. Courtney and Mr. Fornaro for managing such a difficult situation with both the sewers and the road program.

Councilman Schulz asked Mr. Courtney if there has been any improvement with the county relative to the culvert on the Rec Park drive, to which Mr. Courtney said there has not been. He advised that is a project that will be discussed with the county for next year's stormwater dollars. He went on to explain the project has already been designed.

**Assistant Finance Director Louis Slapnicker** advised that the Finance Department and Senior Recreation Departments have been working on the 2022 County Senior recreation levy application, which will be submitted tomorrow. As a reminder, Mr. Slapnicker stated this is a reimbursement program, noting that in years past the City has received \$75,000 on a reimbursement basis; he noted it is accounted for in Fund 225.

The Finance Department will submit the final 2021 amended appropriations to be placed on the agenda in December, which will ensure the City remains within budgetary compliance, and also sets the provided estimated year-end carryover balances until the actual amounts are finalized as of 12/31.

Mr. Slapnicker asked Council to consider having a Finance Committee meeting in December to go over the basic reports that Council receives leading up to budget discussions. Mr. Slapnicker feels the meeting would help with Council review, and give an opportunity to review the standard reports for informational purposes to help Council in its review during the 2022 budget season.

Councilman Lesnick thanked Mr. Slapnicker for all of his work on the software conversion, noting the benefits of improved reporting with the new system.

**Law Director Matthew Lallo** updated Council on the collective bargaining agreements, stating he should be ready to present the contracts for both Police and Fire on the next agenda. The Fire Department contract is still in negotiations, but Mr. Lallo believes they are close to an agreement.

**DEPARTMENT REPORTS (continued):**

Mr. Lallo advised Council the Service Department had been contemplating unionization, going through the process a little last year and the first half of this year. The Department has submitted a request to not form a union, which was approved by SERB, so there is no union within the Service Department. Mr. Lallo stated he believes this decision plays a part in one of the pieces of legislation on the agenda tonight. One of the issues the City had during the request for recognition from the union in May of 2020 was the City could not do anything with the Department. This included addressing labor conditions, pay increases, bonuses, or anything along those lines unless it was uniformly done throughout the City. Otherwise the action taken would have been considered unfair labor practice, and a charge against the City at SERB.

Since the Service Department has formally withdrawn the request for unionization, or union representation, the Mayor and Service Director Fornaro have plans in place to review matters with the employees. One result of the withdrawal is the City's ability to propose legislation for commercial driver's license (CDL) bonuses for employees.

Mr. Lallo said he plans to submit before Council a review of many City ordinances, in an effort to clean them up. Hopefully in January or shortly after, the City can have all newly codified ordinances on the website and pay the cost to update everything. Mr. Lallo stated he would like to do some housekeeping first so all changes can be made at the same time.

Answering Councilman Smolic's question regarding the last time the ordinances were updated, Mr. Lallo advised they were last updated August 20, 2018.

Councilman Schulz asked when the request came in from the Service Department to not unionize. Mr. Lallo advised that a letter was received from their union representative sometime around August, but the City had to wait until SERB had a meeting to formally certify that request. The meeting was held approximately three to four weeks ago.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter thanked the Service Department in advance for their work on the brush pickup in each ward. This program was very popular last year, and he is happy to see it being done again.

The City still needs volunteers for the leaf cleanup for seniors and veterans taking place on November 13. Anyone interested in volunteering can do so using the link posted on the City's website.

Mayor Potter reminded those present that November 23rd is the interfaith service at the Temple. The service begins at 7:30 p.m., and Mayor Potter said it is always a tremendous event for the city, with all church organizations getting together with the city. A good many residents and community members participate in the service, which is all about giving thanks.

Mayor Potter expressed appreciation to the community for the overwhelming support of the Senior and Recreation levy yesterday. He went on to say the dollars are important in providing great services to the seniors. Without those dollars, providing these services would be a big challenge, and Mayor Potter said the community spoke very well yesterday to support those programs. He also thanked all the Council members who participated and reminded residents of the Center's importance to the community.

The Mayor congratulated Councilman Schulz for his win in yesterday's election to retain his City Council position. He also congratulated Ron Fenstermaker and Eric Ziegler, who also won their elections. Mayor Potter recognized all candidates, whether they be Council candidates or school board candidates, who put their name on the line and ran for an elected position.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

Mayor Potter mentioned Ordinance 21-O-58 on the agenda, which is the vacation pay change for City employees. He explained the ordinance currently states newly hired employees are eligible for two weeks of vacation after one year of employment. To make the City more competitive in the employment market, Mayor Potter asked that it be changed to one week of vacation after 90 days, and two weeks after 180 days. He explained in today's workplace it is common practice to have access to vacation time sooner.

Concerning Resolution 21-R-59 relating to the CDL bonus that Mr. Lallo spoke about, Mayor Potter said a key to being a Service Department worker is having a valid CDL Class A or B license. This is required to operate the service vehicles that are used to maintain the roadways, and it is critical the employees have these licenses and keep them in good standing. Mayor Potter noted he doesn't consider the bonus a reward, rather an expression of gratitude. According to the resolution, there will be a \$250 annual bonus for a Class B license, and \$500 for a Class A license. Specifics as to when bonuses are paid and CDLs are reviewed for the program are delineated in the resolution.

Mayor Potter then spoke on Resolution 21-R-56, explaining this resolution would move Mr. Slapnicker into the role of Finance Director; in turn Resolution 21-R-57 would change the position of Mrs. Kovalchik to Assistant Finance Director. The Mayor noted that Mr. Slapnicker has demonstrated his work ethic, knowledge for municipal financing, honesty, integrity, and commitment to the City. Mayor Potter asked Council to waive the three readings and pass the resolutions as an emergency.

Councilman Lesnick asked about the yearly requirements for maintaining either a Class A or Class B CDL license, including any cost to the employee. Mr. Fornaro said he will be bringing a proposal to Council concerning possible reimbursements, training, and help for employees when getting their license. Costs and other information will be presented at a later time. Answering Council President Lowery, Mr. Fornaro said it is renewed with the employee's license every four years.

At the request of Ms. Wolfe, Mr. Fornaro explained the difference between Class A and B licenses. Class A license is for vehicles over 26,001 pounds. As an example, when pulling the City's trailer with the backhoe on it, a Class A CDL is required, because of the combined weight.

Answering Councilman Haymer, Mr. Fornaro advised that the employees receive a physical exam when they are hired, and there is random drug testing afterward.

Councilman Schulz asked when Council could expect to see Mr. Eckert and his team at a meeting. Mayor Potter responded Mr. Eckert will attend the next Council meeting and has been working hard in his new position.

Mr. Lallo clarified the vacation time referenced in Resolution 21-O-58, noting that after 90 days newly hired employees will receive one week paid vacation, and after 180 days another week will be received, for a total of two weeks paid vacation. Once the employee reaches the one-year mark, this vacation time will not carry over to the next year.

Ms. Szary reminded those present that the interfaith service this year will not be at the Temple; it will be held at the Church of Jesus Christ of Latter Day Saints as the Temple is not open yet.

**STANDING COMMITTEE REPORTS:**

Councilman Lesnick noted that the third and final Finance Committee meeting to discuss how to fund capital was held and concluded with the need for a task force to look in the range of raising \$1.2 million in capital funds for roads, buildings, Police, Fire, park lands, Service Department, etc. The task force will include community members.

**CORRESPONDENCE:**

Council President Lowery acknowledged receipt of correspondence dated October 29, 2021 from Dominion Energy. Mr. Lowery said he believes it to be more of an informational document, not requiring any action from Council. Mr. Lallo noted they are raising rates.

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

**Sharon Vyskocil, 8415 North Locust Drive**, asked for an update on the property next to City Hall that is supposed to be for senior living. She said the property was cleared and there has been no further progress. Mayor Potter responded, stating the hope is the project moves forward. Currently it is a work in progress, and there are tasks that will need to happen before construction goes forward.

Mrs. Vyskocil also requested an update regarding a gentlemen who previously addressed Council regarding the possibility of a marijuana store. Mayor Potter responded that there have been no committee meetings by Council to discuss the issue further, and there has been no contact with the gentleman since he presented to Council.

**Frank Lyon, 8049 Eagle Road**, asked Ms. Wolfe if she would answer his August 9 email requesting her present residence. Ms. Wolfe responded it is 9257 Chillicothe Road, Apartment #20, and Mr. Lyon thanked her for the information.

**Cathleen Knaak, 7771 Gildersleeve Drive**, directed her comments to Ms. Wolfe, stating she is the most elusive and unresponsive councilperson, and she is taking her opportunity to speak to her tonight. Mrs. Knaak went on to say Ms. Wolfe has been asked to resign numerous times by myriads of people in the city, to which she gives no response. Mrs. Knaak suggested Ms. Wolfe needs a reminder of what it means to be an adult, stating that as an adult, adult decisions are made. Adults own their decisions, however she believes Ms. Wolfe made bad decisions and acts like a child, placing the blame on everyone else.

Mrs. Knaak asked Ms. Wolfe how she could not resign, or even respond to requests for her resignation, stating there is a clear conflict of interest, among numerous other shortcomings. She went on to say Ms. Wolfe votes to support personal relationships, not the community; she is fiscally irresponsible and refuses to recuse herself when city officials need to discuss the lawsuit, so those conversations cannot happen. Mrs. Knaak said Ms. Wolfe is preventing the City from moving forward past the mess in which Ms. Wolfe and ex-policeman Nosse have entangled the City. She went on to say Ms. Wolfe is costing the City tens of thousands of dollars, and will cost the City more in the upcoming recall election due to her refusal to resign. She then said Ms. Wolfe's behavior is self-centered and in no way the appropriate behavior of an elected official, and her presence on Council, self-centeredness, and selfishness are a disgrace to any woman seeking an elected position in the City.

Mrs. Knaak went on to state it was not unnoticed that neither of the female candidates were elected yesterday, stating Ms. Wolfe paved the way for women in Kirtland politics. She then said Ms. Wolfe does not have the City's best interest at heart, and is only out for herself and what she can do to benefit her own personal situation. Mrs. Knaak said her constituents do not want Ms. Wolfe in office, Council members do not want to share a seat with Ms. Wolfe, and quoted an email Mr. Schultz sent on Monday, November 1, "The situation regarding Ms. Wolfe is a cloud that needs to blow over quickly. Outside of her candidacy, there are families that are truly hurting over this. I did see your emails, but did not respond because it was not specifically addressed to me, and for that I apologize. I have privately asked for her to resign many times. Believe me, it is very uncomfortable sitting next to her when I am seeing our city being torn apart."

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

Mrs. Knaak then asked Ms. Wolfe if she is going to be an adult and resign as she should, or if she will continue to act like a child and drag the beautiful city down, wasting thousands upon thousands of the City's dollars, ruining aspiring political careers of Kirtland women, and prevent any movement forward for the City because of her conflict of interest voting that benefits only her and her current personal relationships. Mrs. Knaak asked again if Ms. Wolfe plans to resign.

Ms. Wolfe remained silent, and Mrs. Knaak stated it was typical not to receive an answer, underlying everything the constituents have complained of concerning her lack of response and condescending attitude.

Ms. Wolfe said she would address Mrs. Knaak's questions during Council Comments, when she reads her prepared statement. Answering Mrs. Knaak's further questions on whether the prepared statement will address a potential resignation, Ms. Wolfe said it would.

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

**Frank Lyon, 8049 Eagle Road**, reminded everyone of his comments at the October 18 Council meeting, and said he hopes Resolution 21-R-54 is passed tonight. He reiterated he believes Ms. Wolfe has a conflict of interest.

**RESOLUTION NO. 21-R-54** - **(Second Reading)** - **A RESOLUTION AMENDING**  
**(Council President Lowery)** **RESOLUTION NO. 20-R-74 RELATING TO**  
**ESTABLISHING STANDING COMMITTEES OF COUNCIL,**  
**AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Smolic moved to waive the third reading, with the second by Mr. Lesnick. Ms. Wolfe asked if the passing of this resolution would call for Mr. Haymer to be removed from the Senior Recreation Committee, to which Mr. Lowery answered no. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: WOLFE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic.

Councilman Schulz asked for clarification concerning conflict of interest relative to any business before Council prior to new 2022 standing committee appointments. Councilman Lesnick said that although there are no meetings currently scheduled, the City is in the process of searching for a new police chief for the City. In the event an applicant is found and needs to be vetted for the position prior to the end of the month, it would be inappropriate for Ms. Wolfe to be a member of that Committee. Mayor Potter referred to Mr. Lallo's report noting that the police union negotiation contract is currently in the works, which would also cause a conflict of interest if the Committee chair decides to call a committee meeting. Mr. Schulz noted that the adoption of that agreement will come before Council as a whole. Mr. Lallo confirmed that both issues would come to Council as a whole. Mr. Schulz asked for further clarification, to which Mr. Smolic explained depending on the progression of choosing a chief, Ms. Wolfe's attendance at the Committee meeting could be a conflict of interest. Another point made was if the Committee were to go into executive session there would be similar problems. Searching for further clarification on the conflict of interest, Mr. Schulz asked if the concern is that there will be a vindictive nature due to Mr. Nosse no longer being the police chief, to which Mr. Smolic said with Ms. Wolfe's current personal situation there would be a conflict of interest in her participating in the search for a new chief.

**OLD BUSINESS – RESOLUTION NO. 21-R-54 (continued):**

Mayor Potter added there have also been instances in which Ms. Wolfe asked about other employment-related issues related to potential action the mayor would take as a result of testimony, specifically against Sergeant Fisher, at a recent meeting. Therefore, there is a clear concern for objective analysis concerning Ms. Wolfe.

Ms. Wolfe asked if a new chief will be chosen before the new Council is put in place, to which Mayor Potter replied he is unsure, but it is highly likely. Concerning anything that would be presented to Council as a whole, Mayor Potter noted there could be a potential conflict in that as well, and any questions relating to conflict of interest would be discussed at the time of the vote. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: WOLFE).**

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

None.

**RESOLUTION NO. 21-R-56  
(Mayor Potter)**

- **A RESOLUTION CONFIRMING THE APPOINTMENT OF LOUIS SLAPNICKER AS THE PART-TIME FINANCE DIRECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Ruple moved to waive the three readings, with the second by Mr. Lesnick. Mr. Lesnick thanked Mr. Slapnick and Mrs. Kovalchik for all of their hard work getting the City's finances where they currently are, and said he looks forward to what they will accomplish in the future. Mr. Lowery echoed the sentiment, adding Mr. Slapnick is an outstanding financial accountant and has done quite a bit behind the scenes for the City. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Slapnick received congratulations and applause from all present.

**RESOLUTION NO. 21-R-57  
(Mayor Potter)**

- **A RESOLUTION CONFIRMING THE APPOINTMENT OF MARY KOVALCHIK AS THE PART-TIME ASSISTANT FINANCE DIRECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lesnick expressed his appreciation for all of Mrs. Kovalchik's efforts with the City's Finance Department. Mr. Ruple moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

**NEW BUSINESS (continued):**

**ORDINANCE NO. 21-O-58**  
**(Mayor Potter)**

- **AN ORDINANCE AMENDING SECTION 254.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO VACATION PAY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Noting the importance of a competitive policy, Mr. Lesnick moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. Answering Mr. Schulz, Mr. Lallo confirmed that the current policy granting two weeks of vacation after one year of service will be changed to grant one week after the first 90 days and a second week after the first 180 days. This initial vacation time will not roll over to the next year, as the employee will receive two weeks of vacation at that time. It was noted that it is not tied to employee evaluations, but the employee is on probation for 180 days. **ROLL CALL: MOTION ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

**ORDINANCE NO. 21-O-59**  
**(Mayor Potter)**

- **AN ORDINANCE ADOPTING SECTION 238.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING PAYMENTS TO SERVICE DEPARTMENT WORKERS FOR POSSESSING A VALID COMMERCIAL DRIVER LICENSE, 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. Mr. Lesnick stated he believes it is important the employees have these skill sets and licenses, and it is only fair they are compensated for the required training and costs associated with the licenses. Mr. Lowery agreed, thanking Mr. Fornaro and his team for the work they do.

Mr. Smolic asked if other cities pay for the training for employees to receive the licenses, to which Mr. Fornaro stated in-house training is offered at other cities. He stated that beginning in February, the Service Department will be required to attend schooling and log a required number of hours to receive the licenses. In his previous position at another city, the city paid for the employee to attend the training, the test, and also the renewal. Therefore, Mr. Fornaro said he will be proposing further changes to Council in the near future. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Ruple. Mr. Schulz asked if other cities provide this benefit to their employees. Mr. Fornaro said most cities in the area do offer similar programs. Mr. Schulz asked Mr. Slapnicker if the payment was pensionable, to which Mr. Slapnicker said it is not. Mr. Schulz inquired if it would be tied to a successful performance evaluation. Mr. Fornaro stated currently there have not been evaluations, but it will be yearly renewals. Mr. Schulz noted there are other departments within the City that may need to be considered for a similar program for certifications. **ROLL CALL: MOTION ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

**COUNCIL COMMENTS:**

Councilman Schulz spoke regarding the public meeting held concerning the Old Town sewer project, noting that he enjoyed the meeting and found it very informational. Some questions that have come to him since the meeting include who is responsible for securing the needed right-of-way for the project. Mr. Courtney responded the City will be securing any easements required from Elm to Eisenhower, and one that is needed at the corner of Eisenhower and Route 306. Mr. Schulz then asked if the city will be doing the negotiating concerning the project, saying his questions come from the possibility of receiving Federal dollars for the project. He stated that Federal funding has strict regulations on how homeowners are approached in property-take situations, to include title work, appraisals, appraisal reviews, making offers, allowing a certain period of time for contemplation of the offer. Mr. Schulz stated his concern is that the current construction schedule may not allow for enough time to accommodate all those tasks. He recommended the City seek an ODOT pre-qualified right-of-way acquisition agent who can handle that part of the project. Mr. Schulz left brochures from ODOT for each Council member to review. Further discussion ensued concerning easements outside of the public right-of-way.

Councilwoman Wolfe read the following prepared statement:

*"Members of Council and the Community,*

*I just want to let all of you know that I have no plans at this time to resign, as I have done nothing wrong. I have broken no laws, or violated any ethics, despite what you think. For every ounce of hate and bullying that I have received, I have received as much support, if not more. So if you'd like to go ahead with the recall, then the money it costs the community is on you. Otherwise, I will see you at the polls in two years.*

*The motto of this town is Faith and Beauty, but yet what I see and feel is nothing but hatred and ugliness by some members of this administration and community. The decisions I have made on Council were based on the fact that I believe the Mayor and his yes men are trying to divide this community, and will do so by any means or cost in order to get his way. I'm not sure you've noticed, but the Mayor has replaced any and all of those in the administration that did not cater to his thoughts and needs. Anyone who may oppose the Mayor's view have all been replaced and ridiculed, while costing the City substantially more money.*

*I believe what the Mayor did to the Chief was for that reason, and it started with Dispatch four years ago when the Chief opposed getting rid of Dispatch. The Mayor used the Chief's disease against him, and illegally forced him out of office because of it. There were many other options that could have been sought, but due to the Mayor's agenda he took the opportunity to take another human being's career, dignity, and spirit. What the Mayor has done to another human being, to further his own political career, is appalling. And for him to continue his political outreach to humiliate and bully others is a disgrace, not only to this community, but to the good people within it.*

*And for the record, I did not receive any communication, one way or the other, about my decision regarding the Chief from my constituents or colleagues until after I made my decision. So to say that I didn't vote the way my constituents wanted is absurd.*

*I clearly expressed why I voted the way I did. What are you going to do? Have a special election for a recall every time you disagree with a vote by your Councilperson because you don't agree with them, even though you didn't say anything?"*

Responding to Mrs. Knaak, Ms. Wolfe stated she did not receive the first email from her until after the first vote. Mrs. Knaak disagreed, saying it went out before the first meeting.

Ms. Wolfe continued with her statement:

**COUNCIL COMMENTS (continued):**

*“As I previously stated, for every person against my decision there has been one or more to support it. Opposing the Mayor is the same reason he's dragged my name and personal life through the mud to try and intimidate me. Well, I'm not going to be intimidated, and I hope any and all of you who have been harassing me about resigning have nothing to hide in your personal lives that might be plastered all over social media after various records requests from the Kirtland Police Department and other communities around us have been served. What's the age old saying? Those who live in glass houses shouldn't throw stones.*

*So if you wish to cost the City more money to run a special election, that's on you. If not, let me do my job. I will not be entertaining questions about this statement, but feel free to email me at my City of Kirtland email address and I will answer as I see appropriate.*

*Thank you.”*

Mr. Lallo addressed the statement Ms. Wolfe made concerning the legality of the Chief's termination, saying Ms. Wolfe is not speaking on behalf of the Council as a whole and it was a personal statement. Mr. Lallo said there are issues at play in court and he felt the need to clarify for the record that Ms. Wolfe's statement was hers alone and did not represent the Council as a whole. Ms. Wolfe then added she speaks for herself and no one else on the Council, clarifying the record.

Councilman Lesnick said he believes it to be unfair to say there is a division created and it is amok in the administration. He went on to say at a Finance Committee meeting the members concluded the City is in debt and running with negative balances. Because of the actions taken by administration and the Council since entering office, the City now has a carryover balance that will take the City well into the first quarter of the new year, funding the City without borrowing money. The debt was reduced to a point where the City could borrow \$2 million this year to pave the roads, leaving the City's outstanding debt only \$300,000 more than three years prior. Therefore, he believes the comment about failed policies and failures of the Mayor were unwarranted and he resents the statements.

Ms. Wolfe responded, saying she didn't use the word “failures”, saying that is his interpretation of her statement and not her words.

Councilman Smolic asked Councilwoman Wolfe to name anyone on Council who has asked her to resign. Ms. Wolfe responded that no one on Council has directly asked her to resign. Mr. Smolic asked Ms. Wolfe for clarification on her previous answer, asking if anyone on Council has indirectly asked her to resign. Ms. Wolfe said she has heard comments that would indicate she is not welcome on Council.

**CONTINUING CONCERNS:**

Council President Lowery noted that this is an opportunity for the public to address Council about any continuing concerns.

**Cathleen Knaak, 7771 Gildersleeve Drive**, reiterated that she received an email from Mr. Schulz, and he stated he had privately asked Ms. Wolfe to resign many times. Ms. Wolfe responded that Mr. Schulz has not directly asked her to resign, only asked if it was an option. Mrs. Knaak read from the received email, in which Mr. Schulz stated he has privately asked her to resign many times. Mrs. Knaak further stated Councilman Lowery and Councilman Lesnick were copied on the email. Ms. Wolfe responded, saying their conversation was different.

**CONTINUING CONCERNS (continued):**

Addressing the issue Mr. Lallo raised, and understanding Councilwoman Wolfe says she speaks for herself, Mayor Potter stated that for a member of the City government to make a case against the City in a legal matter is unbelievably concerning.

**ADJOURNMENT:**

Mr. Lesnick moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 8:18 p.m.

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President of Council

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Clerk of Council