

KIRTLAND CITY COUNCIL MINUTES

November 15, 2021

The meeting of Kirtland City Council was called to order at 7:03 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 and Joseph Smolic. Absent: Kelly Wolfe.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Sergeant Jamey Fisher and Fire Chief Anthony Hutton.

MINUTES OF THE OCTOBER 12, 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 5/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

MINUTES OF THE NOVEMBER 3, 2021 FINANCE COMMITTEE MEETING:

Upon request of Councilman Lesnick, it was agreed that language be added to reflect Council's concurrence to the Mayor's appointment of a resident task force. On page one, paragraph seven, the language "and Council concurred" was added. Mr. Ruple moved to waive the reading of the minutes, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote. Mr. Ruple moved to approve the Minutes, as amended, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).**

MINUTES OF THE NOVEMBER 3, 2021 COUNCIL 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 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the October report has been distributed, and call volume continues to be up.

Chief Hutton referenced a recent newspaper report noting that the Lake County Hazardous Intervention Team, (also known as the HIT Team or HAZMAT Team) has been granted a Type 1 Team. This is the highest rating that can be achieved in the state of Ohio. A few members of that team come from Kirtland Fire Department.

Kirtland Fire Department recently sent Aaron Madden and Cory Eisenberg to Blue Card Command School. The last few classes had been canceled due to the COVID pandemic. The classes consist of 50 hours of online training along with 24 hours of scenario-based training, which was done at Wickliffe Fire Department. Mr. Madden and Mr. Eisenberg did well, and this training will help them in the future with incident command and fire safety management.

DEPARTMENT REPORTS continued):

Chief Hutton advised that Willoughby Hills borrowed Kirtland's reserve fire engine for approximately one month, because they have no fire engines at this time.

Councilman Smolic asked if there is an engine on order for Willoughby Hills, to which Chief Hutton explained Willoughby Hills currently has one engine and one ladder truck. The engine is out of service, and they are in the process of purchasing a new engine which could take one to two months. After borrowing the Kirtland reserve engine for a month, Willoughby Hills will then borrow an engine from Highland Heights for the other month.

Sergeant Jamey Fisher advised that the statistical report was distributed.

Sergeant Fisher thanked Mayor Potter for entrusting him with the opportunity to be Executive Officer in the Police Department during a difficult time. He went on to thank the Department heads and Council members for their patience during his transition into the position. Sergeant Fisher said he's learned a lot about the administration of a police department, and he believes the experience will serve him well as he resumes his position serving soon-to-be Chief McAllister. Sergeant Fisher said he is looking forward to getting back on the street a little more and resuming his normal duties.

Council President Lowery thanked Sergeant Fisher for a job well done and for supporting the community in such a challenging situation. Sergeant Fisher received expressions of gratitude from all Council members.

Service Director Joseph Fornaro reported brush pickup was completed last week in Wards 2 and 4. Wards 1 and 3 are on the schedule this week.

Mr. Fornaro said due to the weather on Sunday the Department put down approximately 60 tons of salt between Sunday afternoon and into early Monday, and the crews were out plowing.

Mr. Fornaro reminded everyone the season has arrived, and he asked that residents be patient with the Service Department trucks. Mr. Fornaro asked the residents to give the trucks room and patience throughout the season.

Concerning the road program, all pavement work has been completed. Specialized Construction is moving on to doing berms on Billings Road. The final striping cannot be completed yet, as the reclamate was just completed. In the meantime there will be "No Edge Line" signs put up in these areas by end of day tomorrow.

Noting it is their last meeting, Mr. Fornaro thanked Mr. Lesnick and Mr. Lowery for their part in his appointment, saying it has been a pleasure working with them.

City Engineer Douglas Courtney added to Mr. Fornaro's report on the road program, noting that although it was thought that reclamate might have to wait until next spring, scheduling allowed the contractor to apply reclamate on the maintenance streets and the newly paved streets.

Mr. Courtney explained the wait time is 10 days for striping a street after reclamate has been placed, noting that if the temperatures are favorable (50 degrees and above) after Wednesday this week, striping should begin.

Law Director Matthew Lallo reminded those present the City has a new Zoning Inspector, Mr. Rick Loconti, who was previously on the Planning and Zoning Commission. Mr. Lallo has had a couple telephone meetings and one in-person meeting with Mr. Loconti as it relates to the procedure from start to finish for zoning violations. The discussion in these meetings included implementation and beginning the process.

DEPARTMENT REPORTS (continued):

A draft procedure has been created for sending out violation letters, follow-ups, second violation letters, and complaint and summons in court. Mr. Lallo said this will be implemented in the next couple weeks. The procedure document will be published on the City's website so residents will have access to the policy and its procedures. In the policy there is a note that everything is handled on a case-by-case basis, to allow for deviations when necessary.

Mr. Lallo said there are still some temporary yard signs in the community and wanted to remind everyone that any signs left up beyond 7 days after a special event would constitute a zoning violation. The Zoning Inspector will begin enforcing that code as well.

For the last year and a half there have been allegations that the integrity of the CEI power tower east of City Hall was compromised and that the tower may fall, along with recent allegations of the same concern. Mr. Lallo said each time the City received those allegations, those statements were relayed to First Energy, along with requests that the tower be inspected to ensure the safety of the tower, the surrounding community and the power grid. Approximately a week and a half ago, First Energy sent an engineer inspector to the property and asked the City to accompany him during his inspection. Mr. Lallo and Mr. Courtney traversed the First Energy easement to inspect the property with the engineer and discussed the community's concerns for the safety of the tower. The engineer assured that the tower is absolutely secure, and if the tower appears in photos to not look formed properly, it is due to erosion and because it is not formed concrete, but was poured in. Mr. Lallo stressed the tower is completely secured and there are no safety issues with that tower or any other tower in the area.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked Sergeant Fisher for his work during the past six months as Executive Officer during such a tough period for the City, saying his exemplary leadership is appreciated. Sergeant Fisher demonstrated the utmost respect and character that the City has come to know and trust in him. Sergeant Fisher received applause by all those in attendance.

On November 11, the City held a Veteran's Memorial Ceremony, which Mayor Potter was unable to attend. Councilman Schulz attended the short ceremony conducted and run by the American Legion. Mayor Potter expressed appreciation for the American Legion for all they do, and to Councilman Schulz for attending the ceremony.

Over the past weekend approximately 60 community volunteers met at City Hall at 8:30 a.m., broke into four teams, and went into the community to clean up leaves at 20 properties belonging to veterans and seniors. Among the volunteers were members from the Church of Jesus Christ of Latter Day Saints, members from Divine Word Catholic Church, and Councilman Smolic. Mayor Potter thanked Firefighter Corey Eisenberg, who came out with all of his equipment and made a big difference in the cleanup.

Last week Mayor and Mrs. Potter, Ms. Szary, and Mr. Fornaro met to discuss a tree lighting ceremony to be held at City Hall. The tree lighting has been scheduled for Monday, November 29, and more details will follow soon.

Mayor Potter thanked Councilmen Lesnick and Lowery for their hard work and dedication to the community. He said it's been his pleasure to serve alongside the two of them as a Councilperson and now as Mayor, saying that partnership is a key word for what has been accomplished in four short years. The Mayor spoke of their positive influence on the City's government, and he thanked them for the partnership that was formed, their friendship, and their impact on the City Council and the City government.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter referenced Resolution 21-R-60, for the appointment of Mr. Brian Caimi to serve on the Civil Service Commission, filling the position left open when Terry Simonian moved out the city. Mr. Caimi is currently a Lieutenant, soon to be a Captain, with the Euclid Fire Department. Mayor Potter said Mr. Caimi is intelligent and has the perfect disposition for the position. Mayor Potter asked that the three readings be waived tonight and the resolution passed. Mr. Caimi and his family were in attendance at the meeting.

Mayor Potter referenced Resolution 21-R-61, concerning the appointment of Brian McCallister to the position of Chief of Police. Mr. McCallister was also in attendance at the meeting.

Mayor Potter noted that a couple months ago he spoke on his ideas of the process needed to find the right person for this position. The request for applications was posted to the Ohio Chief's Association, the Lake/Geauga Chief's Association, and the Cuyahoga County Chief's Association. Councilmen Lowery and Smolic, Chief Hutton, Chris Speece, and a resident of Kirtland who serves as a Lieutenant in a neighboring community, were asked to form a committee to help Mayor Potter vet the applications and conduct the interviews. There were originally eleven applicants, and seven candidates were chosen for the next step in the process. Short interviews were conducted with each of those seven applicants, and four candidates were selected to move forward to the assessment stage of the process. The Ohio Chief's Association was hired as an independent group to conduct the assessments, and they created an assessment tailored to the City and conducted assessments of the four remaining candidates. Once the summary of results were received, the Committee met to discuss the results and to compile a list of questions for the next stage in the interviewing process. The final round of interviews consisted of three candidates.

For the final round of interviews Mayor Potter invited former School Board President Tom Meyer, Superintendent Chad VanArnhem, and Sheila Dikowicz to participate in each interview. After the interviews had been conducted, the Committee held discussion and made their determination; and in the days following, Mayor Potter spoke with current and former colleagues of Mr. McCallister, as well as his current Chief. Ms. Speece visited Highland Heights, and they were gracious enough to allow her access and time to review Mr. McCallister's personnel file. All discussions and inspection of his file reflected only exemplary behavior and leadership on the part of Mr. McCallister. At that point Mayor Potter determined he was a great fit for the position.

Mayor Potter reflected that the men and women of the Kirtland Police Department have been through a lot, and the community has watched as the City has paid the price over the past couple of months for not using such a process in the past. Therefore, it became Mayor Potter's commitment to all on Council and in the community to make sure there was a process followed to get the appointment right, and he believes this has been accomplished.

With regard to the contract, Mayor Potter noted that Mr. McCallister will be paid more than the last Chief of Police. He stated that Mr. McCallister will bring integrity, discipline, and character to the position. He then said he would assure that the men and women of the Kirtland Police Department and the taxpayers will get the kind of leadership they deserve. With that said, Mayor Potter requested the three readings be waived and the resolution be adopted tonight, to allow for Mr. McCallister's employment to begin on December 6, 2021.

Answering Councilman Smolic, Mayor Potter suggested waiving the three readings on the remaining items on the agenda, stating it would clear the legislative slate for the next Council coming into office in December. The remaining agenda items include a resolution confirming the appointment of Mayor Potter as the delegate, and Mr. Slapnick as the alternate to the Regional Income Tax Council of Governments, a resolution appointing Mr. Slapnick as the tax administrator, and an ordinance authorizing the Mayor to enter into a contract with the Police bargaining unit.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Concerning the last item on the agenda, Mayor Potter thanked Mr. Lallo for his work with the Police bargaining unit, and the members who are Kirtland police officers. There was great dialog, and a lot was learned about each other in the process. A good level of respect and rapport was built during negotiations. He then asked that the three readings be waived and the legislation be adopted.

Mr. Lallo spoke on the contract, saying there are four changes from the previous contract. The pay structure is one change, with a two percent raise for patrolmen each year. Based upon the pay structure, this will give the sergeants an increase as well. Another change is asking the employees to contribute 12 percent of their medical insurance, which was previously 10 percent, which changes the maximum contribution from \$200 to \$300 per month. However, the increase will stay within the percentage cap. Another provision was to increase compensatory time from 80 hours to 100 hours. Lastly, to encourage the physical fitness and well-being of all officers there will now be a voluntary physical fitness test. Every officer that is hired into the Department is required to pass a physical fitness test. This provision will allow the existing officers the opportunity to take the physical fitness test annually and receive a bonus of \$500 if they pass.

STANDING COMMITTEE REPORTS:

It was noted that brief Committee meetings will follow the Council meeting for the purpose of approving past minutes.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

None.

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

None.

**RESOLUTION NO. 21-R-60
(Mayor Potter)**

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A RESOLUTION CONFIRMING THE APPOINTMENT OF BRIAN CAIMI TO THE CIVIL SERVICE COMMISSION TO FILL THE UNEXPIRED TERM OF TERRANCE G. SIMONIAN, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. Mr. Lowery commented that he has known Mr. Caimi for a long time, and he is an excellent candidate for this position. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).**

NEW BUSINESS (continued):**RESOLUTION NO. 21-R-61
(Mayor Potter)**

- A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF BRIAN K. MCCALLISTER AS CHIEF OF POLICE, ESTABLISHING A WAGE AND FEE ARRANGEMENT, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. Mr. Lowery commented that he enjoyed meeting Mr. McCallister and being a part of the process. Mr. Schulz noted that he knows a Councilman in Highland Heights, who spoke very highly of Mr. McCallister. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** Council members offered their congratulations to Mr. McCallister and welcomed him to the City.

**RESOLUTION NO. 21-R-62
(Mayor Potter)**

- A RESOLUTION CONFIRMING THE APPOINTMENT OF MAYOR KEVIN F. POTTER AS DELEGATE AND FINANCE DIRECTOR LOUIS SLAPNICKER 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 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Ruple. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).**

**RESOLUTION NO. 21-R-63
(Mayor Potter)**

- A RESOLUTION APPOINTING FINANCE DIRECTOR LOUIS SLAPNICKER AS TAX ADMINISTRATOR FOR THE CITY OF KIRTLAND, 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 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).**

**ORDINANCE NO. 21-O-64
(Mayor Potter)**

- AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, 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 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).**

COUNCIL COMMENTS:

Councilman Smolic thanked Mr. Lesnick and Mr. Lowery for four years of fantastic service. Mr. Smolic complimented Mr. Lesnick on his ability with financial matters and Mr. Lowery on his ability to run a meeting fabulously. Mr. Smolic said it has been a pleasure to work with both men during the last four years, noting that neither ran for election for the next term, as their plans were to hold the position for four years only. Mr. Smolic said they accomplished what they had set out to do, and he expressed his deep respect for them both.

Councilman Ruple echoed Councilman Smolic's comments, saying he's learned a lot from both Mr. Lesnick and Mr. Lowery. Although there was not always agreement, there was always civil conversation about the opposing viewpoints. Mr. Ruple said he's learned a lot from Mr. Lesnick on the Finance Committee, noting that Mr. Lesnick put a lot of work into that Committee, and he appreciates Mr. Lowery's work in running the meetings. He closed by saying it will be hard for anyone to fill their shoes, and he appreciates both of them.

Mr. Lesnick said it's been an honor and a privilege to represent the citizens of Kirtland the past four years. There has been excellent progress with finances, the road program, and the overall administration of the City, especially in the past two years. There is still a lot of work to do, and he wishes the new Council and administration the best of luck at arriving at the best program to fund the City's capital needs. Mr. Lesnick encouraged the residents to correspond with their elected representatives, whether through a phone call, email, text, or letter. The Council members are there to represent the citizens, but can only do that well if the residents let their thoughts be known. Mr. Lesnick said he does not believe in long-term careers as a politician, which is the reason he chose not to run again. He believes in term limits, whether mandated or self-imposed, and believes serving multiple terms in office while only corresponding with a small echamber of like-minded people is a recipe for problems, much like those faced when he entered office. Mr. Lesnick thanked all new Council and administration members for their hard work, saying many of the issues have been corrected and a great platform has been left, along with a way to move ahead into the future. Mr. Lesnick went on to say the City is in good hands and has a bright future.

Mr. Lowery began by saying he loves to agree to disagree, and he stressed the importance of Council serving with the administration. Mr. Lowery stated that four years ago, he ran for City Council to give back to the community he loves, and secondly to make a difference. Mr. Lowery echoed everything Mr. Lesnick said, stating this Council really did make a difference. This Council did a lot of work with the roads, the finances, the website, community communications, Community Center, etc., for which he is very proud. Mr. Lowery added it has been an honor and a privilege to serve not only the community, but the administration and his fellow Council members. He went on to thank the administration for their hard work, and Mayor Potter for his comments and stepping out on a limb to push Council to do what is right.

As his term comes to an end, Mr. Lowery said there has been a lot of work accomplished on roads, budget, and economic development. Four years ago these goals were the theme, and the next four years the theme will remain the same -- roads, budget, and economic development.

Mr. Lowery echoed Mr. Lesnick's comments concerning term limits, noting that is one of the reasons he did not run a second time. After holding a political position, and being part of the political system, Mr. Lowery believes term limits are critical. He noted that a couple Council members ran with the issue of term limits in their campaign, and he hopes they follow through.

In closing, Mr. Lowery thanked Council for giving him the opportunity and entrusting him as President of Council. He said he has learned quite a bit, met many individuals in the community, and he is grateful for the experience. Mr. Lowery said it is never how much you know about a community, it is that you care about the community, and how you show that care, that makes a difference.

CONTINUING CONCERNS:

Council President Lowery noted that this is an opportunity for the public to address Council about any continuing concerns. There were no comments from the public.

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 7:53 p.m.

President of Council

Clerk of Council