

KIRTLAND CITY COUNCIL MINUTES

December 20, 2021

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

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Chief Brian McCallister and Senior Center Coordinator Teresa Szary.

MINUTES OF THE NOVEMBER 15, 2021 WORK SESSION:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

MINUTES OF THE NOVEMBER 15, 2021 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

MINUTES OF THE DECEMBER 1, 2021 ORGANIZATIONAL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Ms. Wolfe. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Ms. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

MINUTES OF THE DECEMBER 6, 2021 WORK SESSION:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

MINUTES OF THE DECEMBER 6, 2021 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Ms. Wolfe. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Ms. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Police Chief Brian McCallister reported he is two weeks into his position and everything is going well. He is very impressed with the men and women in the Department, saying they are eager to represent the City and do a good job.

The first staff meeting was held on December 15, with the Mayor in attendance. Chief McCallister said all officers renewed their oath of office and their commitment to the City and each other, in recognition of the new administration.

On Sunday, December 19, the Department participated in the Holiday Heroes Christmas, with 14 families involved. There were several donations from the community and local restaurants (Angelo's, Tavern Six and Sweeter Than Honeycomb Bakery), and everyone had a good time.

Chief McCallister advised there have been some policy changes, updating and housekeeping, in the Department. A new program will be implemented on January 1, 2022 - the Community Policing Initiative. The program addresses response when officers are patrolling, day or night, concerning alarms that have been tripped, garage doors left open, etc. There will be a card left at the residence to alert the residents of the problem. This will hopefully increase community awareness and reduce opportunities for criminal activity in the community. Chief McCallister believes the program will be good for the community, and the officers in the Department are excited to begin.

Service Director Joseph Fornaro reported the crews have been taking advantage of the nice weather, doing some ditching, line of sight work, and completing a fence around the pickleball courts.

Councilman Fenstermaker asked about the salt usage to date for the season. Mr. Fornaro said it is just under 500 tons, used over a total of nine storms.

Mr. Fenstermaker asked what type of PM (preventive maintenance) programs the City has on their service trucks, and Mr. Fornaro said there is routine maintenance and it is documented. This applies to all three Departments: Service, Police and Fire.

City Engineer Douglas Courtney had no formal report. Responding to Councilman Smolic, Mr. Courtney stated he does not believe there will be any additional road work this year.

Finance Director Louis Slapnicker advised that the November 2021 end-of-month reports have been distributed to Council.

Mr. Slapnicker noted there are ten items on tonight's agenda related to Finance. These include the 2022 temporary appropriation, the final 2021 appropriation, delinquent sewer assessments, recertification of the Senior/Recreation Center tax levy, changes in the credit card policy, and five closeout projects.

Mr. Slapnicker stated that 21-O-78 relates to delinquent sewer payments, for invoices more than 30 days overdue, with the assessment of a five percent penalty. These will be added to the individual owners' property taxes.

Mr. Slapnicker explained 21-R-79 is the result of the passing of the Senior/Recreation levy on the November ballot. Therefore, Council needs to recertify the amounts and rates.

Mr. Slapnicker explained 21-R-80 is a resolution concerning changes made to the credit card policy to add the new Chief of Police to the account.

DEPARTMENT REPORTS (continued):

Mr. Slapnicker stated the Finance Department is beginning a new process concerning closeout projects. The Finance Department would like Council to acknowledge and approve all closeout projects moving forward. Legislation on tonight's agenda concern 2019 drainage projects in which excess monies will be returned to the stormwater account.

Mr. Slapnicker requested all ten items be passed this evening.

Law Director Matthew Lallo stated that, as discussed previously, there will be a request to amend the collective bargaining agreement for the Police Department at the next meeting. There has been an issue discovered, and he will go into more detail at the next meeting in January.

Concerning zoning, Mr. Lallo has been in discussions with Mr. Loconti, the new Zoning Inspector. Mr. Loconti has been out in the community reviewing complaints made by citizens. Mr. Lallo and Mr. Loconti have outlined a plan of action as the process unfolds. Mr. Loconti and Mr. Lallo have been working on these situations for quite a while, and currently there will be approximately ten complaints filed in court for criminal actions - minor misdemeanors on first offenses. However, there is the chance the minor misdemeanors may transition to other penalties or higher degrees of offense during the process. These will be filed this coming week.

Mr. Lallo thanked Mr. Slapnicker concerning the closeout legislation, saying he was very helpful. He went on to say he believes there is a good process now set for those situations.

Lastly, Mr. Lallo noted there is legislation on the agenda tonight regarding himself and Mr. Lobe. Mr. Lallo said he is happy to answer any questions on the legislation either now or when it comes up on the agenda.

Councilman Fenstermaker asked for more information regarding the misdemeanor charges that will be filed this week, asking if the residents have been notified and cited previously and are simply refusing to cooperate. Mr. Lallo confirmed that multiple letters have been sent to the residents addressing the violations. Mr. Lallo stated approximately 20 or more total residences were found to be out of compliance, with half coming into compliance and the other half not responding. Therefore the next step is the filing of charges.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked Mr. Fornaro and the Service Department for completing the fence at the pickleball court, saying the Department did an outstanding job.

Mayor Potter also thanked Mr. and Mrs. Fornaro, who hosted an excellent lunch last week for all City employees at the service garage. He also thanked all who were able to attend.

Mayor Potter has been in early discussions with Mr. Slapnicker relating to the year-end closeout and preparations for the 2022 budget, including discussion of ARPA funds related to wastewater needs and broadband. Mayor Potter encouraged the Standing Committees to schedule some meetings for early January as it will be helpful as the budget process unfolds. The Mayor stated there has been discussion related to projected General Fund carryover balance, road work and capital.

Mayor Potter stated that on December 15 he met with Congressman Joyce and Eddie Eckart, noting there was discussion regarding some grant requests submitted last spring related to the federal budget, and how the process works. Mayor Potter hopes moving into 2022 Congress will work together with the Administration to pass a federal budget. Once that happens, hopefully the City of Kirtland will be considered for grants that will help in funding for roads and the Old Town sewer project.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter noted that he stressed the importance of funding for the Old Town sewer project to Congressman Joyce, who made suggestions relating to submitting grants directly through his office. Mayor Potter will be submitting those requests this spring.

Mayor Potter mentioned the volume of proposed legislation on the agenda tonight, saying he hopes many will be passed tonight.

Mayor Potter wished everyone a Merry Christmas and Happy New Year, and said he's looking forward to working with everyone in the coming year.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Thomas J. Booth, Jr., 8245 Eagle Road, again read the letter he previously read to Council at the October 4, 2021 Council meeting demanding the immediate resignation of Council member Kelly Wolfe for alleged violations of her oath of office, misconduct, misfeasance, malfeasance and moral turpitude. Short of such action, Mr. Booth called on Council to censure or enact Article 1, Section 5, of the Kirtland Code of Ordinances for the removal of Council member Kelly Wolfe.

Mr. Booth stated since the initial reading of his letter on October 4, 2021, there has been no resignation from Council member Wolfe, nor actions made by Council to remove her. Because of this, Mr. Booth wanted to put into public record some statements that have been made by Councilwoman Wolfe, one of which being, "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." Mr. Booth agreed Councilwoman Wolfe has probably not violated any laws, however any ethical code of moral turpitude he believes has been violated. Mr. Booth's opinion is based on Article 1, Section 5. Mr. Booth also referenced the Ohio Revised Code, recusal to vote, which he stated is a violation of the Ohio Ethics Code 102.031, that a legislator shall not vote on any legislation that the legislator knows to be actively advocated by a legislative agent, or employer, who has a qualified relationship with the legislator.

Mr. Booth submitted another quote by Council member Wolfe, "...faith and beauty, but what I see and feel is nothing but hatred and ugliness," referring to the City of Kirtland. Referencing his October 4th statement, Mr. Booth reminded Council he's lived in Kirtland his entire life of 42 years, and before that his parents spent their entire lives in Kirtland, and before that their parents, etc., before the concept of Kirtland as a city of faith and beauty. Mr. Booth stated he takes exception for using that as an excuse for one's own actions; and then to continue the behavior, trying to deflect one's own actions by making personal comments on Mayor Potter's character or job performance. Mr. Booth stated he finds that behavior disgusting, and believes for someone from the community to use the words "City of Faith and Beauty" to deflect does not represent what Kirtland is or should be about.

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

Mr. Booth ended with another quote from Ms. Wolfe, "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," stating he views this statement as a threat of reprisal from a public officer. He then asked for the Law Director to act in the best interests of Council and the City, not just one of the sitting Council members.

In closing, Mr. Booth expressed his hope that Council, as a body, will do their job and remove Councilwoman Wolfe, as he does not believe she plans to do the appropriate thing and step down. He reminded Council they have the power to remove her, and asked they not pass the buck by putting it to a community vote.

Frank Lyon, 8049 Eagle Road, said he is at the meeting to represent the 294 registered voters in Ward 1 who signed the recall petitions for Councilwoman Kelly Wolfe. Mr. Lyon asked that Council do the right thing for the City. He then submitted the petitions to the Clerk of Council.

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

None.

ORDINANCE NO. 21-O-75 - **(Second Reading) - AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE-MONTH PERIOD ENDING MARCH 31, 2022.**
(Mayor Potter)

The legislation was read by title only. Mr. Smolic moved to waive the third reading, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

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

None.

RESOLUTION NO. 21-R-76 - **A RESOLUTION ESTABLISHING STANDING COMMITTEES OF COUNCIL, AND DECLARING AN EMERGENCY.**
(Council President Ruple)

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Ms. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. 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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

NEW BUSINESS (continued):

ORDINANCE NO. 21-O-77 - **AN ORDINANCE AMENDING ORDINANCE NO. 21-O-55**
(Mayor Potter) **RELATING TO THE APPROPRIATION FOR THE YEAR**
2021.

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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Ms. Wolfe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

ORDINANCE NO. 21-O-78 - **AN ORDINANCE LEVYING LIENS FOR DELINQUENT**
(Mayor Potter) **SANITARY SEWER CHARGES, AND DECLARING AN**
EMERGENCY.

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Ms. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Ms. Wolfe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-79 - **A RESOLUTION ACCEPTING THE AMOUNTS AND**
(Mayor Potter) **RATES AS DETERMINED BY THE BUDGET**
COMMISSION AND AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING THEM TO THE COUNTY
AUDITOR.

The legislation was read by title only. Ms. Wolfe moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-80 - **A RESOLUTION AMENDING THE CITY'S CREDIT CARD**
(Mayor Potter) **POLICY WHICH WAS ADOPTED IN RESOLUTION 21-R-**
49, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. 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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-81 - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER**
(Mayor Potter) **INTO A COOPERATIVE AGREEMENT WITH LAKE**
COUNTY, OHIO FOR THE PURPOSES OF SUBMITTING
AN APPLICATION TO THE OHIO PUBLIC WORKS
COMMISSION FOR THE OLD TOWN SANITARY SEWER
DISTRICT, AND DECLARING AN EMERGENCY.

NEW BUSINESS – RESOLUTION NO. 21-R-81 (continued):

The legislation was read by title only. Ms. Wolfe moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Ms. Wolfe moved to declare an emergency and adopt, with the second by Mr. Schulz. Mr. Fenstermaker asked about the expected timeline for a response on the application. Mr. Courtney explained the pre-application did not score well enough; however the County wants the City to submit a full application in case more funding becomes available. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-82 - **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE FOX HILL DRAINAGE PROJECT CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Ms. Wolfe. Mr. Smolic explained to the residents that there is a list of projects that have been completed over the last two to four years. Generally the engineer would address Council when the project was complete. With this new policy, Council will formally closeout projects with legislation. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-83 - **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE GILDERSLEEVE DRIVE DRAINAGE PROJECT CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

RESOLUTION NO. 21-R-84 - **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE RACCOON HILL DRAINAGE PROJECT CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. 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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC, AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-85 - **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE TIBBETS ROAD DRAINAGE PROJECT CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

NEW BUSINESS – RESOLUTION NO. 21-R-85 (continued):

The legislation was read by title only. Ms. Wolfe moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. 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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-86 - **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE WISNER ROAD NORTH DRAINAGE PROJECT CONTRACT WITH BADGER TRANSFER LLC, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

ORDINANCE NO. 21-O-87 - **AN ORDINANCE CONFIRMING THE RE-APPOINTMENT OF MATTHEW A. LALLO AS DIRECTOR OF LAW, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH MATTHEW A. LALLO, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Ms. Wolfe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Lallo thanked Council for the reappointment, saying he appreciates the opportunity to serve again.

ORDINANCE NO. 21-O-88 - **AN ORDINANCE ACCEPTING THE RE-APPOINTMENT OF THOMAS G. LOBE AS ASSISTANT LAW DIRECTOR, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH THOMAS G. LOBE, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Ms. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. 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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-89 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF MICHAEL T. DENK TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Ms. Wolfe. Answering Mr. Fenstermaker, Mayor Potter stated he believes this will be Mr. Denk's third five-year term on the Planning and Zoning Commission. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

NEW BUSINESS – RESOLUTION NO. 21-R-89 (continued):

Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-90 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF SUZANNE M. GRAZIA TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

RESOLUTION NO. 21-R-91 - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF CARL E. JURRUS TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Ms. Wolfe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-92 - **A RESOLUTION REAPPOINTING DANA DENNIS AS A MEMBER OF THE KIRTLAND BOARD OF TAX REVIEW, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

The legislation was read by title only. Ms. Wolfe moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. 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: FENSTERMAKER, HAYMER, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Referencing Councilwoman Wolfe's statement dated 11/3/2021, Councilman Smolic said he has some questions for Ms. Wolfe. Council President Ruple, with Law Director Lallo's agreement, stated it would not be appropriate to question Ms. Wolfe during Council Comments, but that Mr. Smolic can state his comments and direct questions to the Law Director or Parliamentarian. Mr. Smolic addressed her comment, "the motto of this town is faith and beauty, but yet what I see and feel is nothing but hatred and ugliness from some members of this administration and community," asking for names of those in administration who have mistreated her. Mr. Smolic then addressed the comment, "based on the fact that I believe the Mayor and his 'yes' men are trying to divide this community", asking if these were facts or just her belief. Mr. Smolic addressed her comment "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," stating there are no facts to substantiate the claim and it is merely her opinion. He went on to say Chief Hutton also did not want the dispatch moved, however he remains in his position.

COUNCIL COMMENTS (continued):

Mr. Smolic went on to read, "I believe the Mayor did this to the Chief 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," stating there have been no facts presented concerning the accusation of illegal removal. He went on to say this subject has been addressed by Mr. Lallo. Continuing, Mr. Smolic read, "...and for him (the Mayor) to continue his political outreach to humiliate and bully others is a disgrace," stating as a Councilman he has seen no bullying or humiliation of anyone on Council, including Ms. Wolfe. He said these comments are her beliefs and not facts.

Regarding the quote, "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 that all of you who have been harassing me about resigning have nothing to hide in your personal lives," Mr. Smolic reminded Ms. Wolfe he asked her on 11/3 if anyone has asked her to resign, to which she responded no one had asked her to resign. Mr. Smolic asked again if anyone, including Councilman Schulz, has asked her to resign, and he questioned her reasoning for her comment "dragged through the mud," to which Ms. Wolfe had no comment.

Mr. Smolic closed by stating he was completely disgusted with the statement Ms. Wolfe made on 11/3, which he believes to consist of a lot of opinions but no facts. He believes she has embarrassed herself and the City, especially by accusing the administration of illegal activities when the proper process was followed.

Councilman Schulz said he would like to hold a Finance Committee meeting on January 19; however, it was noted that the combined meeting with Planning and Zoning is already scheduled for that date. Mr. Schulz noted he will follow up with a date for a Finance Committee meeting.

Council President Ruple wished the community a Merry Christmas.

CONTINUING CONCERNS:

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

Richard Lowery, 7197 Gildersleeve Drive, commented that currently the Browns are winning the football game, 14-13, with two minutes left.

Thomas J. Booth, Jr., 8245 Eagle Road, stated that following Roberts Rules of Order and Conduct, concerning waiving the three readings as an emergency, there needs to be a due reason for the emergency. Council cannot simply declare an emergency and vote unanimously to do so without informing the constituents of the community of the three readings in advance.

Mr. Lallo explained the waiver of the three readings is separate from declaring an emergency and adopting. According to statute and the City's charter, certain pieces of legislation must be read three times, or Council can dispose of that requirement by waiving the three readings. Declaring an emergency and adopting legislation must be a separate vote, and the reason for the declaration of an emergency is for the legislation to become effective immediately and not 30 days later. The reasoning for the declaration of emergency must be listed within the legislation itself. Mr. Lallo said he would be happy to discuss the subject further after the meeting.

ADJOURNMENT:

Mr. Smolic moved to adjourn, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote and the meeting adjourned at 7:57 p.m.

President of Council

Clerk of Council