

KIRTLAND CITY COUNCIL MINUTES

SPECIAL MEETING

August 3, 2021

(Continuation of August 2, 2021 Special Meeting)

The special emergency meeting of Kirtland City Council was called to order at 6:02 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, Service Director Joseph Fornaro, Fire Chief Anthony Hutton and Police Sergeant Jamey Fisher.

Others present: Attorney Mark Zicarelli, Attorney Frank Consolo, and Lance Nosse.

CONTINUED HEARING:

Mayor's Request for the Termination of Lance Nosse Pursuant to Ordinance 244.01(d)

Mr. Lallo indicated that he had no further witnesses to call.

Mr. Consolo called Lance Nosse as a witness, and he was questioned and provided testimony after being sworn-in by Council President Lowery. Breaks were taken as needed.

Upon completion of testimonies and presentation of evidence, Mr. Lallo and Mr. Consolo each presented a closing argument.

Mr. Zicarelli stated that Council has evidence they are entitled to review. Council President Lowery stated that Council has the opportunity to convene in executive session to discuss the termination of Lance Nosse, noting that no public business will be discussed. Mr. Schulz moved to convene an executive session to discuss the dismissal of an employee, pursuant to Article I, Section 7(a) of the City Charter. Mr. Consolo objected to Council moving into executive session, stating that he believes it violates Chief Nosse's rights under the Sunshine Law, as he requested that the hearing be completely public. Mr. Smolic provided the second to the motion. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

Mr. Zicarelli stated that both attorneys are aware that Council requested to review the evidence, specifically they want to take a better look at the video; that is the reason they wish to go into executive session. The time was 9:02 p.m.

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The executive session adjourned at 10:11 p.m., and the special meeting reconvened at 10:17 p.m.

Mr. Zicarelli stated that after conducting a hearing pursuant to the Kirtland Codified Ordinances and the Ohio Revised Code, upon the Mayor's request dated July 7, 2021 to terminate Chief Lance Nosse, the Council will now vote to determine whether Chief Nosse should be terminated. Mr. Zicarelli stated that an affirmative vote by the Council is a vote to concur in his termination, and a negative vote or a no vote is a vote not to terminate Chief Lance Nosse.

There being no further discussion by Council, Council President Lowery called for the vote. **ROLL CALL: MOTION CARRIED 6/1 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: WOLFE).** Before casting her vote, Councilwoman Wolfe stated that as Chief Nosse is a 28-year veteran of the Kirtland Police Department, and he had an exemplary record, admitted he had a problem, took actions to correct it, and dealt with mental health issues and alcoholism, she feels that the person who sits here today is a different person. She stated she does not agree that termination should be the only discipline action that is looked at, and as a place where it has been testified that “we take care of our own”, she does not feel the termination does that, and other options should have been explored, such as a last-chance agreement or a demotion. She stated that for those reasons, she votes no.

Council President Lowery stated that the vote is complete, and Chief Lance Nosse is terminated.

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 10:20 p.m.

President of Council

Clerk of Council