

KIRTLAND CITY COUNCIL MINUTES

SPECIAL MEETING

October 7, 2021

The special meeting of Kirtland City Council was called to order at 6:00 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 and Service Director Joseph Fornaro.

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 21-R-53 **(Mayor Potter)**

- **A RESOLUTION ISSUING FINDINGS OF FACT,
ADOPTING THE BASIS FOR THE TERMINATION OF
LANCE R. NOSSE, AND DECLARING AN EMERGENCY.**

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

Noting that Mr. Nosse filed an appeal in Court regarding the Mayor's decision to terminate him as Chief of Police, Mr. Lallo stated there is a mechanism by which the City can try to avoid having another hearing before the Court, by Council issuing Findings of Fact. He stated that the attorney that represents the City on behalf of the insurance company requested that Council pass this Resolution, which incorporates the transcripts of proceedings and the exhibits that were considered along with the testimony. If these Findings of Fact are incorporated and filed with the Court as part of the Praeceptum, it is another argument the City's attorney can make when stating there is no need for another hearing, to avoid relitigating this issue.

Responding to Councilman Lesnick, Mr. Lallo assured that the Exhibit A document provided is an accurate representation. Mr. Lallo stated that Exhibit A has been printed as part of the Resolution. He stated there are three volumes, for the three different meeting dates: July 12, August 2 and August 3; and it includes the exhibits submitted by the City and the exhibits submitted on behalf of Lance Nosse. Mr. Lallo stated that the transcript is the true and accurate transcription of the spoken word during those hearings.

Mr. Ruple moved to amend the second to last "Whereas" clause on page 1 of the Resolution by striking "remove Mr. Nosse from office" and replacing it with "concur with the Mayor's termination of Mr. Nosse". Mr. Lesnick provided the second. Mr. Schulz inquired about the cost to procure the transcript; Mr. Lallo stated it was approximately \$2300 for the transcript. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND HAYMER. VOTING NAY: NONE).** Mr. Lallo advised that the legislation reverted to Second Reading due to the amendment.

NEW BUSINESS - RESOLUTION NO. 21-R-53 (continued):

Mr. Lesnick moved to waive the three readings, with the second by Mr. Haymer. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND HAYMER. 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: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND HAYMER. VOTING NAY: NONE).**

ADJOURNMENT:

The meeting adjourned upon unanimous consent of Council at 6:14 p.m.

President of Council

Clerk of Council