

KIRTLAND CITY COUNCIL MINUTES

February 5, 2024

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

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Service Director Joseph Fornaro, Police Chief Brian McCallister, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

MINUTES OF THE JANUARY 16, 2024 WORK SESSION:

Mr. Fenstermaker moved to waive the reading of the minutes, with the second by Ms. Symonds. The motion of Council passed by unanimous vote. Mr. Fenstermaker moved to approve the Minutes, as presented, with the second by Ms. Symonds. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

MINUTES OF THE JANUARY 16, 2024 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 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report for January has been distributed. He noted there were 124 calls in January, which was a busy month for the Department.

Police Chief Brian McCallister thanked the men and women of the Police Department for the tremendous job they did last year; several members of the Department were present. Chief McCallister advised that the annual report was distributed to Council, noting that the data is indicative of the work the Department is doing in the community through the services they are providing. He reviewed some of the data, noting that there has been a reduction in traffic crashes from 2022 to 2023 and a reduction in burglaries (0 reported for 2023). He noted that he looks at the data for business checks to make sure that all of the businesses are being checked throughout the night. The Chief noted there has been a reduction in CPI cards issued since that program began, from 138 to 88 in 2023. He said they found less open garage doors, less open windows and less open doors on businesses, noting those numbers decreased significantly because of this program.

Chief McCallister noted that disturbances decreased, and extra patrol checks increased. Follow-up investigations increased substantially, and fraud reports decreased from 86 in 2021 and 49 in 2022, to 39 in 2023, due to all of the Department's community outreach. He noted that thefts were down to 21 from 31 in the previous year. The Chief noted that traffic stops were up, due in part to requests from the community for extra traffic patrols in order to increase visibility and enforce traffic laws. He noted that some of the increase was due to construction and events through the summer.

The Chief said that the work the men and women of the Department are doing is impacting the City in a positive manner. He said he is proud of their work and the sacrifices they make.

DEPARTMENT REPORTS (continued):

Chief McCallister said he would also like to address some community concerns. Looking at traffic enforcement, he said over the past eight weeks some residents have been calling him and complaining because they received citations, asking him to tear up citations and telling him that is the proper procedure; they are saying that Council members told them to call and come to an open setting to discuss being stopped. Chief McCallister said a lot of the cases are still pending in Court, and he cannot discuss people's cases in an open session of Council. He noted they can contact him directly to have a conversation.

Chief McCallister said that OVI enforcement was up substantially last year, from 30 in 2022 to 71 in 2023. He said some of the complaints were that the Department was targeting residents in parking lots; he said that is not the case, noting that of the total OVI cases, only 12 were Kirtland residents, which is 16 percent of those that were taken into custody. He stressed that driving under the influence causes injuries and property damage, and the Department does not take these offenses lightly. He said he has been asked why the Department stops people for driving without headlights at night, and then finds they are driving under the influence. The Chief said they are stopping people with probable cause and legitimate reasons to make traffic stops. Chief McCallister said he would like the community to understand that the officers are doing their job. He noted it is unfortunate that they found so many OVI's, but people have to make a decision to change. He said their foremost goal is to make the City of Kirtland safe for everyone, and traffic enforcement is one of those areas that makes the City safer. He said he understands that nobody wants to get a citation, but he believes that a level of accountability is needed.

Chief McCallister noted that out of the 3500 stops last year, citations were issued for 44 percent of that total number. Noting that there are people that receive multiple citations in one stop, he said there is almost a 70 percent chance of receiving a warning after a traffic stop. He said that he is not forcing officers to write citations nor giving bonuses to officers for OVI arrests, as some residents have alleged. He said the officers are receiving negative feedback from the community because of all the rumors that are going around. Chief McCallister said he is addressing this to dispel those rumors because they are not true.

Chief McCallister commended the officers, noting that they all have a great deal of care and concern for the community. He said that each of them brings value to this City, and he supports the work they are doing because it is the right thing to do.

Addressing the community, Chief McCallister said he is always open for conversation, and if someone feels they have been treated unfairly or there was an error in judgment, he will investigate it, noting that the officers are held accountable. The Chief noted that the most dangerous part of policing is traffic stops, and the officers have a commitment despite the danger.

Councilman Ziegler inquired about the potential for having cameras installed in the future. Chief McCallister said he believes cameras are beneficial and something that can be discussed. He said that the pricing on the cameras is expensive, noting that the Flock system is being used now; it is a good program. There is an installation cost and a recurring cost. Chief McCallister said that the Department has been part of an MOU with Flock and has been able to access their cameras through neighboring cities. He noted that the Police Department has solved many crimes by accessing cameras belonging to others, and having cameras would elevate the City to the next level.

Councilman Fenstermaker said he believes having cameras in the police cars would provide extra protection to the officers. Chief McCallister agreed, noting that the officers wear body cameras when they are making a stop; he is looking into in-car cameras for full transparency in seeing the violations that the officers observe.

Councilwoman Symonds asked the Chief to address interventions for the times a ticket is not issued, and whether those interventions are successful. Chief McCallister said that traffic enforcement is a community engagement strategy. The reason most people are receiving a warning is because the Department recognizes that most people simply need a reminder, and they want to create a good experience for people

DEPARTMENT REPORTS (continued):

relative to traffic stops. With regard to accidents, he said the policy (from Lexipol) states that after the officer investigates, they should issue a citation if they can determine who is at fault. Noting that the officers have discretion, Chief McCallister said issuing a citation is best practice because it covers the party that was injured or had vehicle damage. It assigns fault and helps the insurance companies close the case and prevents unnecessary litigation. Although one of the parties does not like the outcome, it is the right thing for the community.

In addition to warnings, Chief McCallister said there is an inspection citation program. For example, if someone has an expired plate, expired license, or a headlight is out, the Department will issue a citation and give a waiver period for repair. Once the issue is addressed, the individual brings the citation back to the Police Department and it is voided and marked as repaired. With regard to residents asking him to tear up a citation, Chief McCallister said it is a public record and it is a felony violation to tamper with a record.

With regard to equipment violations, Mr. Lallo clarified that the Police Department gives an individual a certain period of time to correct the violation; if they come back with it corrected, the Department will not issue the citation to the court.

Councilman Schulz said it is now a policy within ODOT to allow Flock systems within the interstates and District 12 is permitting it.

Chief McCallister said that this year Flock is terminating the MOU's with agencies that do not have their systems, so Kirtland will be losing access to that program. He noted they will have to try to network with other Police Departments that have the program and see if they will assist on investigations.

Council President Smolic thanked the officers for attending the meeting tonight. Mr. Smolic inquired about some recent break-ins. Chief McCallister advised there were four vehicle break-ins in the Metroparks, windows were smashed and purses and other belongings were stolen; he noted this also happened twice last year. The Chief noted they have received information that it is one of the out-of-state groups that have committed similar burglaries in another state. They fly into the area, rent a car and target Metroparks because the park system is large and the policing is spread out over large areas. The Chief said the officers did not give chase in Kirtland; the vehicle crashed in Euclid, but he was not aware if any arrests were made.

Service Director Joseph Fornaro thanked the Service Department crew, noting they do an outstanding job. He noted the Department has been ditching, and the mini excavator purchased last year is usually on the road three times per week.

Mr. Fornaro said he is working on the budget, and he and Mr. Courtney are working on stormwater projects and preparing for the Standing Committee meeting on Saturday.

Responding to Councilwoman Symonds regarding ditching, Mr. Fornaro said it is done mainly to address stormwater issues and roadway issues. He explained that if culverts are blocked, the water sits on the road edge, gets underneath the pavement and starts cracking the pavement. Mr. Fornaro said the majority is open culverts. He said that a resolution was passed last year allowing the Department to contact residents with blocked drive pipes, giving them three months to fix them; this will be happening next month. Mr. Fornaro said that the ditching won't do any good if there are failing drive pipes.

Law Director Matthew Lallo requested that Council pass Resolution 24-R-8 tonight, relating to the MOU with the Police Department. He noted this is for auditing purposes for longevity payments for the officers that achieved their longevity milestones in 2023; it allows the City to make that payment this year. Noting that the way longevity payments are paid is changing, Mr. Lallo said they will be paid on the employee's anniversary date going forward. He noted this cleans up the transition between the old CBA and the new one.

DEPARTMENT REPORTS (continued):

Mr. Lallo requested that Ordinance 24-O-9 also be passed tonight; it is the collective bargaining agreement for three years with the Fire Department. He noted that it mirrors almost every change that was in the Police Department's CBA which was previously passed. Mr. Lallo said that working with both unions was a pleasure, noting that it is a struggle to find the right balance for fiscal responsibility and also insuring that the employees are adequately compensated and taken care of. He said that dealing with the various representatives was a positive experience overall.

Mr. Lallo said there are three cases currently in litigation; the case with the former Chief is still pending and he is reviewing a brief that will be filed on behalf of the City from the retained counsel. He noted that a person with a pending traffic case in Willoughby Municipal Court has filed a case in Lake County Court of Common Pleas. He noted that the third case is the appeal of the zoning permit denial, which is currently pending in the Eleventh District Court of Appeals.

With regard to the "smash and grab" in Chapin Forest, Mr. Lallo said that the victim's purse was recently found in a ditch in Concord Township; it was taken approximately seven months earlier. It was found by a roadside worker doing ditch work. He noted there were items missing; hopefully the culprits will be caught and brought to justice.

Council President Smolic inquired about patrol of the Metroparks, especially at night, noting they have their own private police. Chief McCallister said the Metroparks do not generally patrol at night; they are not on duty. He noted that the Kirtland Police Department takes that over and patrols at night, and they also drive through during the day and report any concerns to them. He noted they can take action if needed, and then contact the Metroparks and have them come in and take over.

With regard to the collective bargaining agreements, Council President Smolic thanked Mr. Lallo, noting there is a lot of work involved in the contractual agreements. He noted that the Chiefs work alongside Mr. Lallo during the negotiations.

Senior Center Coordinator Teresa Szary said that membership for this year opened in October, and to date there are approximately 410 members at the Senior Center for 2024; last year ended with approximately 730 members. She noted that 60 new members have signed up since October. She said that a lot of their events are selling out.

Ms. Szary said they received \$5,000 from a grant through the Lake County Commissioners; these funds came from the State for healthy living for older Ohioans. She noted that with those funds, they will begin a grief support group at the Senior Center. They hope to train a volunteer to moderate at least once per month, not only for bereavement but for any kind of grief. She said they hope eventually to also open it up in the evenings to anyone that would like to join.

Councilman Fenstermaker inquired how many of the 730 members from last year were non-residents. Ms. Szary replied that the membership is approximately 2/3 residents and 1/3 non-residents. She noted that in July of last year, the County Commissioners' office provided a software program "My Senior Center" for each of the nine senior centers in Lake County, at no cost to the centers. She noted that members sign in when they visit the center, so it provides very good tracking.

Answering Councilman Fenstermaker, Ms. Szary said the fee for non-residents is \$2 more than the fee for residents. She said the first-year fee for residents is \$10; and it is \$5 each year for renewal. For non-residents, the first-year fee is \$12, and \$7 for renewal.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter welcomed Kirtland Scout Troop 286, thanking them for their past work and for their future work in the City.

Mayor Potter congratulated Keith McCrory, as the Kirtland Kiwanis Citizen of the Year. The Mayor noted that he attended that event and presented a proclamation celebrating Mr. McCrory's hard work and volunteerism in the City.

The Mayor advised that Mr. Slapnicker is in the Finance office working on the budget; he noted it is a great deal of work to close the previous year and open the new year. Since the last meeting, Mayor Potter said he has met personally with all of the Department Heads relative to budget discussions. He noted he will be working with Mr. Slapnicker, and then individual meetings will be held again next week. He thanked the Department Heads for their hard work in presenting their Department's needs and their patience in working through the budget. He noted that the budget will be on first reading at the next Council meeting.

With regard to the combined meeting with the Planning and Zoning Commission and the Board of Zoning Appeals, Mayor Potter thanked Mr. Denk for doing a great job running the meeting.

Mayor Potter thanked Ms. Szary for obtaining the grant from the Commissioners, and then coming up with the idea for a grief support program for the seniors. He commended her for making this happen after she saw the need at the Senior Center.

The Mayor advised that on Tuesday, February 13, from 6:00 p.m. until 8:00 p.m., there will be a meeting in Council Chambers with Lake County Planning and Development. The meeting will be related to the Old Town sewer project, and specifically related to potential income eligible assistance for some of the residents in that area. He noted Rhea Benton of the Lake County Department of Planning will be present, along with other representatives from the County. He said that a notice of the meeting is posted on the City website and the City Facebook page, and residents can get an idea of the income thresholds for people that might be eligible for some assistance with the lateral tie-ins.

The Mayor thanked the Commissioners, noting they granted up to \$250,000 for assistance with the laterals. He noted they will be available to discuss the income eligibility with residents, along with the process in getting a contractor for that work. He said that questions can be fielded through him, Ms. Szary, or to Rhea Benton (her contact information is included in the notice of the meeting).

Mayor Potter thanked Chief McCallister for his hard work involved in the annual report. He noted this is the second year the City has seen the report in that format. The Mayor noted there are many hard-working and dedicated people in the Department, and with Chief McCallister's leadership the City is very well served in an effort to make the City safer and stronger. He thanked the Chief for addressing some of the statistics in the report, and he thanked Council for reaching out to him and the Chief. He noted that all of the Department Heads have done a phenomenal job addressing concerns brought to them by Council from a resident's standpoint. He thanked Chief McCallister for his report tonight, and the officers that came in support.

STANDING COMMITTEE REPORTS:

Council President Smolic noted that a Service Department Standing Committee meeting will be held on Saturday, February 10 at 11:00 a.m. The purpose of the meeting is to review the PMG report update.

CORRESPONDENCE:

Council President Smolic reported that a notification was received from the Ohio Division of Liquor Control regarding an application for transfer of a permit to PRMD Corp., dba Kirtland Food Mart, at 8232 Euclid Chardon Road. Mr. Lallo said that the business was recently purchased, noting that concepts for potential expansion were presented to Planning and Zoning several months ago. Mr. Lallo said he is not aware of any issues with the permit holder. Chief McCallister advised that he performed a records check when the request was received, and everything came back clear. It was noted that no action is needed by Council unless there are objections to the permit application. Council did not have any objections and did not request a hearing in this regard.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Josh of Scout Troop 286 introduced himself; he said he is 16 years old and is the senior patrol leader of Troop 286. He said they are looking forward to a spring camporee in April, and they will be doing many things around the community in May and June, including the flags on Memorial Day and the Strawberry Festival parade and the dunk tank. They will go to summer camp in July, and they are hoping to go whitewater rafting again this year in West Virginia. Answering questions from Council President Smolic, Josh said the camporee is in Beaumont, noting that they have a good merit badge program; he said the troop does some rifle training with regard to safety.

OLD BUSINESS:

None.

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

**ORDINANCE NO. 24-O-7
(Mayor Potter)**

- **AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2024 ENERGIZED COMMUNITY GRANT, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mayor Potter advised that this is the grant that has been received each year for the past several years. He noted that the City receives approximately \$30,000 annually from NOPEC; a couple of past projects include LED lighting in all of the City buildings and high-efficiency heaters in the Service Department garage. The Mayor noted that the funds must be used for energy efficiency purposes. It was noted that the legislation can proceed to the next reading.

Councilman Schulz inquired if there are any projects in mind for the use of these funds. Mayor Potter noted that a possible use of the funds would be for high efficiency lighting and low flow toilets for the new restroom facility.

The legislation was placed on First Reading.

NEW BUSINESS (continued):

RESOLUTION NO. 24-R-8
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE KIRTLAND POLICE DEPARTMENT AND THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION FOR THE RESOLUTION OF A DISPUTE REGARDING LONGEVITY PAY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Council President Smolic noted that Law Director Lallo addressed the Memorandum of Understanding during his report. Mr. Schulz moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

ORDINANCE NO. 24-O-9
(Mayor Potter)

- **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE KIRTLAND PROFESSIONAL FIREFIGHTERS LOCAL 3735, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

This is an opportunity for the public to address Council about any continuing concerns. There were no comments or questions from the public.

ADJOURNMENT:

Mr. Schulz moved to adjourn, with the second by Ms. Symonds. The motion of Council passed by unanimous vote and the meeting adjourned at 7:50 p.m.

President of Council

Clerk of Council