

KIRTLAND CITY COUNCIL MINUTES

August 18, 2025

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Ron Fenstermaker, Council President. The Pledge of Allegiance was recited followed by a prayer led by Mr. Zeigler. The members of Council present were Ronald Fenstermaker, Scott Haymer, Matt Schulz, Suzanne Grazia and Julie Symonds, Eric Zeigler. Absent: Joe Smolic.

The administrative personnel present were Mayor Kevin Potter, City Engineer Douglas Courtney, Police Chief Brian McCallister, Fire Chief Tony Hutton, Law Director Matt Lallo and Senior Center Director Julia DeWolf

PUBLIC HEARING – Proposed amendments to Chapter 1260: Sections 1261.09 and 1268.03; Chapter 1270: Sections 1270.03, 1275.03 and 1275.04, relating to Short-Term Rental Properties. Council President Fenstermaker opened the public hearing in this regard at 7:08 p.m.

Sara DiFranco, 9263 Regency Woods Drive, addressed the Council, Administrative personnel and residents in the audience. Ms. DiFranco introduced herself as the Legislative Chair for the Lake & Geauga Area Association of REALTORS and also a Kirtland resident. Ms. DiFranco read a prepared statement, a copy of which is attached hereto and made a part hereof. In addition to the prepared statement Ms. DiFranco stated that implementing a balanced legislation can provide aid in the City's collection efforts of local bed tax. She stated she as well as the Lake & Geauga Area Association of REALTORS offer their support and assistance.

Responding Mayor Potter shared his sentiments that he agrees that developing a plan ahead of a potential issue in this regard is important and he welcomes the assistance offered by Ms. DiFranco. He deferred to the City's Law Director, Matt Lallo to provide context of HB 109 and the city's standpoint regarding same.

Responding, Mr. Lallo stated that the city has not done much over the past 15-years in regard to short term rentals. Due to Senate Bill 104 which is currently pending in Ohio Legislature the city is considering legislation that would provide home-rule authority if the Ohio legislation is passed as currently written. Noting that it the city has the authority to create laws and self-govern the safety health and general welfare of the city. Mr. Lallo provided additional information regarding happenings in subcommittee noting a provision that was added that grandfathered in any city that has a regulation or prohibition regarding short-term rentals. Mr. Lallo stated it is his suggestion at this time to outright ban short-term rentals in the city which would allow the city to maintain home-rule and the ability to regulate. Further noting that it is not the city's desire to have the prohibition of short-term rentals remain in place.

Sara DiFranco, 9263 Regency Woods Drive, readdressed Council and administration and spoke regarding the 90-day time frame Council would have to work with if this law was passed.

Discussion amongst Ms. DiFranco, Mr. Lallo, Finance Director Louis Slapnickner followed regarding number of registered short-term rentals in the city currently and procedure and requirements for bed tax collection. Mr. Lallo stated City Ordinance 880.01 & 880.03 govern this. Noting it is the homeowners duty to collect the money from the guests not the city's.

Additional dialogue between Sara DiFranco, taking away the property owners right. Loss of income. How can we protect the property owner. Council member Sue Grazia stated she knows for certain that cancelling an Airbnb reservation on the homeowners' part has negative financial implications for the property owner.

Responding to a statement about the Airbnb's currently being rented in the in the city, Chief McCallister stated to his knowledge and to date, the City has not had any issues with Airbnb's.

Patrick Cloonan, 8269 Emerald Glen, introduced himself and stated he has been short term rental owner in the city since May 1, 2025. Noting that prior to offering the property on Airbnb he came before council and was told he could do it. To date, he has stated he has had a lot of success. Mr. Cloonan read several entries from his guest book he leaves at the property. Stating that most of the entries mention other businesses in Kirtland. Mr. Cloonan has his property registered as an LLC and receives a 1099 from Airbnb and VBRO. Responding to a question regarding bed taxes, Mr. Cloonan stated he was not familiar with what a bed tax is, but offered to discuss in the future. Suggested being capitalist and being proactive to create regulations that encourage Airbnb in the city. Lastly stating that the alternative for him would be to knock house down and split off into lots for development of new homes, noting that it is his desire to preserve the historic value of the home.

Richard Piraino, 10002 Thwing Road, Chardon, stated that he is a local real estate agent, and Kirtland is a part of the area he specializes in. Noting that he is also a member of Lake-Geauga Area Association of REALTORS. He shared his feelings that firsthand protecting the charter of neighborhoods and rights of property owners is his priority and he is against outright banning Airbnb's. Urged the Council to make the rules right the first time.

Mr. Lallo stated he does not want to see the city not do anything and the state law pass and supersede the city's right to regulate. Further stating he feels it is questionable if doing nothing is sufficient. Stating that he recommends imposing now as a prohibition and starting the process of establishing appropriate regulations. Mr. Lallo stated it is his job to provide council interpretation of the law and what happens if we do nothing. Further stating that it is up to council to table, pass, or create regulations. He provided an overview of the options council has regarding tabling the matter for a defined period of time. Noting that work can be done during tabled period. Council can take off the table and vote on proposed regulations. Noting that this legislation is based on a recommendation from P&Z Commission.

Christine Pappas, 9161 Regency Woods, introduced herself stating she is a Kirtland resident and also the pass president of the Lake Geauga Board of Area REALTORS. It is Ms. Pappas' belief that there should be regulations not a ban. Ms. Pappas directed a question to Mr. Lallo regarding the reference to "Police Powers" in SB 104. Matt reviewed and commented that police powers are through the home rule authority.

Mike Pappas, 9161 Regency Woods a Kirtland resident stated he strongly feels there will be unintended consequences if Council votes to ban short-term rentals in the city. Noting that the responsibility is on the city and that he feels the city needs to be more judicious.

Council President Fenstermaker thanked all of the attendees who spoke this evening and stated it is not Council's intention to ban short-term rentals in perpetuity.

There were no additional comments or questions, and President Fenstermaker declared the Public Hearing closed at 7:57 p.m.

Minutes of the July 7, 2025 Work Session:

Ms. Symonds moved to approve the Work Session Minutes as presented, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SYMONDS, ZIELGER, FENSTERMAKER, HAYMER, GRAZIA. VOTING NAY: NONE; ABSTAIN: SCHULZ).**

Minutes of the July 7, 2025 Council Meeting:

Ms. Symonds moved to approve the Minutes as presented, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SYMONDS, ZIELGER, FENSTERMAKER, HAYMER, GRAZIA. VOTING NAY: NONE; ABSTAIN: SCHULZ).**

Minutes of the July 14, 2025 Work Session:

Ms. Symonds moved to approve the Work Session Minutes as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SYMONDS, ZIELGER, FENSTERMAKER, HAYMER, SCHULZ, GRAZIA. VOTING NAY: NONE).**

Minutes of the July 14, 2025 Council Meeting:

Mr. Schulz moved to approve the Minutes as presented, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SYMONDS, ZIELGER, FENSTERMAKER, HAYMER, SCHULZ, GRAZIA. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Hutton reported that the July 2025 report was distributed earlier via email. He also noted that the month of July 2025 was the busiest month ever for EMS transports. He reported that the department recently completed a FEMA graded exercise, noting that this occurs every eight years. He was happy to report the department did very well on the grading. He also stated that there has been additional training at Kirtland Schools in preparation for the new school year. Discussion regarding out of service vehicles was had. Chief Hutton responded to questions from council members regarding the vehicles and if operationally things were manageable. Responding Chief Hutton stated operationally things have not been affected. He also stated that he has had recent conversations with Mayor Potter and Finance Director Slapnick regarding the possibility of purchasing a demo ambulance early in 2026.

Police Chief McCallister reported on recent discussions with the city of Willoughby regarding dispatch contract renewal. He noted the contract will be approximately \$177,000 which is a \$44,000 increase from the last contract. Chief McCallister stated that he believes the contract as presented is fair. Noting that he hopes more agencies will join which in turn would bring the costs to our city down.

Chief Hutton responded to Mr. Schulz's question regarding the change in the methodology of billing; stating that billing by the call is similar to what other dispatch communication operation centers do. Mr. Lallo noted other local subdivisions are incurring massive increases much greater than we are.

Mr. Fenstermaker stated that he received a call from a resident on Sunday, August 10, 2025 regarding an incident on Hobart Road. The individual was walking and run off the road by a passing vehicle. He wanted to thank the officer who stopped to check on him, noting that he did not have his name or badge number. Chief McCallister stated that targeted patrol remains consist on Hobart Road. Noting that he has spoken with several residents and heard their concerns. He stated he will run stats regarding traffic stops on Hobart for next Council meeting.

Public Works Director Joseph Fornaro was not in attendance.

City Engineer Mr. Courtney stated that regarding the 2025 Streets & 10-Year Street Plan that Kelsey Court closeout is on this evening's agenda. He asked that Council please consider for 25-R-50 for passage this evening. Pre-construction meetings for this year's with Specialized and Empire are scheduled for the afternoon of August 21, 2025. Contractors' schedules will be received at those meetings. Contractor selections for ODOT State bid repair and maintenance work have been approved by ODOT and we are scheduling with those contractors. Include Ronyak Paving – Partial Depth repair work and Specialized Construction – Crack seal work, Pavement Technology – Reclaimite regarding the application for Kirtland Chardon Rd. Paving (ECL to Sperry.)

Stage 1 review comments were received from ODOT on July 29, 2025 and we are working on plan revisions and the development of Stage 2/3 plans to be submitted on or before September 30, 2025. Regarding the SR306 Sewer Extension additional field survey work is under way for mapping storm sewers and other features not picked up by the aerial survey. The subsurface report was received and is being reviewed. Recommendations from the Geotech will be incorporated into the plan development. Regarding Wisner wall an MOU with Lake County for the design work is on this evening's agenda. Mr. Courtney asked that Council please consider passage of 25-R-51 this evening. Noting that the field survey is complete, and base plans have been transmitted to SME.

Responding to Ms. Symonds, Mr. Courtney stated that schools receive notification prior to road work being started in the area.

Mr. Schulz thanked Mr. Courtney and Mr. Fornaro for working with a resident on Hobart Drive regarding drive issues.

Finance Director Mr. Slapnicker reported that the financial reports for the month ended July 31, 2025 have been posted. Regarding the revenue side, the city is on pace to receive what we budgeted for, with 106% collected. Regarding overall expenditures for the year-to-date the city is on target as budgeted, noting a couple of maintenance items are a little over budget. Mr. Slapnicker reported that he attended the tax budget hearing today in person at the Lake County Auditor's office. The budget passed as

presented and included 3M - inside millage and 8.05M - outside millage. Noting that this is consistent with the prior year. He stated he is scheduled to meet with a representative from Huntington Bank regarding city investments later this week noting that an investment policy will be coming before Council soon. He reported he has a health care meeting tomorrow at the county and will provide an update at the next meeting. He reported he attended an allocation meeting at the Willoughby Municipal Court, the amount of the city's allocation is \$12,995, which is lower than expected. He stated the finance department is currently working on insurance renewal for the property & casualty insurance, noting that legislation will be coming in October. Lastly stating the state issued a new requirement requiring formal ransomware and cyber coverage, noting that he is working with Jim Gibbs on this.

Responding to Mr. Schulz regarding outstanding capital expenditures, there is only one capital expenditure transfer to be completed and that is a \$500,000 road improvement transfer. Lastly stating that all others have been made.

Responding to Mr. Schulz Mr. Courtney stated he is not aware of any water pressure issues. Chief Hutton stated there have been several water main bursts over the last month or so and that Aqua is investigating a leak on Rt. 306 south of Eagle.

Responding to Ms. Symonds, Mayor Potter will communicate with Ms. Zele at First Energy regarding power outage issues.

Responding to Mr. Lallo regarding the \$12,995 court allocation Mr. Slapnick stated the \$12,995 is owed by the city to the court, noting that the amount cannot exceed the amount the court has taken in.

Community Center Director Julia DeWolf provided dates of upcoming Senior Center events including August 21st annual pig roast and September 21st steak cookout and welcomed Council members to partake in the events.

Law Director Mr. Lallo provided an explanation of 25-R-52 on this evening's Agenda, stating that purpose of the resolution is to correct an error in interpreting the original bid documents. 25-R-52 repeals 25-R-48 and awards the lowest and best bid to Grand River for asphalt road materials; and asked that Council please consider for 25-R-52 for passage this evening.

He reported that a minor traffic case pending in the Willoughby Municipal Court for nearly two years was adjudicated today with a jury verdict in favor of the city. Noting that, there may be an appeal at the state or federal level. He applauded the officers who testified on the case. Responding to Mr. Schulz, he affirmed that the body cameras were helpful in confirming the officer's testimony.

Mayor Potter reported that the city continues to monitor the federal budget process, stating that Mr. Eckert received confirmation from Congressman's Joyce's office that the city is earmarked \$2M for sewers in upcoming 2026 federal budget. He thanked to council members considering short term rentals legislation and requested that 25-R-50, 25-R-51 & 25-R-52 be consideration for passage this evening.

Mayor Potter thanked Mr. Fenstermaker, Mr. Schulz and Mr. Ziegler for serving the city in the capacity of city council members over the past four years and committing to run for re-election in the fall of 2025.

Responding to Mr. Schulz regarding the high-speed internet contract status Mayor Potter deferred to Matt Lallo. Mr. Lallo stated that Mr. Gibbs sent over contract last week and he will be reviewing the contract soon.

Responding to Mr. Schulz Mayor Potter stated that the residents along the Rt. 306 corridor will not be mandated to partake. Further stating that he wrote an article to this effect for the August edition of the the Kirtland Chronicle. Will be an option no force from the city to tie in. s

Responding to Mr. Schulz regarding the Parkwood area, Mr. Courtney stated there has been no progress as of last report.

Responding to Mr. Fenstermaker regarding the Bridlehurst situation Mr. Courtney stated that Bridlehurst is on the priority list.

Standing Committee Reports: None.

Correspondence: Council President Fenstermaker acknowledged receipt of Planning & Zoning Commission 25-R-1 regarding short term rental properties.

Public Comments on Matters not on the Agenda: There were no public comments.

OLD BUSINESS:

Public Comments on Matters of Old Business. There were not comments.

25-O-44 (Councilman Fenstermaker) Second Reading An Ordinance Prohibiting Short-Term Rental Properties in the City of Kirtland by amending Codified Ordinance Sections 1261.09, 1268.03, 1270.03, 1275.03, And 1275.04 within the Zoning Code, and declaring an emergency.

Discussion regarding Planning & Zoning Commissions involvement with monitoring the process and Council's role in the process was had, including suggested language for future legislation in this regard.

The legislation was read by title only and placed on third reading.

25-O-46 (Mayor Potter) Second Reading An Ordinance Amending Sections 880.01 and 880.03 of the Codified Ordinances of the City of Kirtland to remove "Tourist Home" from the City's Transient Guest Tax Regulations, and declaring an emergency.

The legislation was read by title only and placed on third reading.

25-R-52
(Mayor Potter)

First Reading

A Resolution repealing Resolution No. 25-R-48 and accepting the bid of Grand River for asphalt road materials, and declaring an emergency.

There was no discussion.
The legislation was read by title only.

The legislation was read by title only. A motion to waive the three readings was made by Mr. Schulz and seconded by Ms. Symonds. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: ZIEGLER, FENSTERMAKER, HAYMER, SCHULZ, GRAZIA AND SYMONDS. VOTING NAY: NONE).**

A motion to declare an emergency and adopt was made by Mr. Schulz and seconded by Ms. Symonds. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: ZIEGLER, FENSTERMAKER, HAYMER, SCHULZ, GRAZIA AND SYMONDS. VOTING NAY: NONE).**

There was no discussion.

COUNCIL COMMENTS: There were no Council comments.

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. Grazia. The motion of Council passed by unanimous vote and the meeting adjourned at 8:44 p.m.



President of Council



Clerk of Council

Sara DiFranco

Legislative Chair, Lake & Geauga Area Association of REALTORS®

8/18/25

Good evening Mayor Potter, Council Members, and fellow residents.

My name is Sara DiFranco, and I am the Legislative Chair for the Lake & Geauga Area Association of REALTORS® and also a Kirtland resident. On behalf of our members who live and work in this region, I'd like to thank you for the opportunity to provide testimony regarding Ordinance 25-O-44.

We fully understand and respect the concerns raised by members of this community regarding short-term rentals. Neighborhood stability, safety, and quality of life are all issues we share and care deeply about. However, we believe that a complete ban on short-term rentals is not the right solution for Kirtland.

Instead, we respectfully ask the City to take the right steps to implement balanced legislation that allows responsible short-term rentals to exist while addressing the valid concerns that residents may have. Other Ohio communities have successfully done this by:

- Requiring permits and registration of STRs
- Setting occupancy and parking limits
- Enforcing nuisance and noise ordinances with meaningful penalties
- Creating a review or "sunset" process to evaluate results and make adjustments

These tools give Kirtland control without taking away the rights of homeowners to responsibly use their property. They also ensure that bad actors can be held accountable, while responsible hosts and their guests continue to contribute to the local economy.

Kirtland is home to unique attractions like the Holden Arboretum, Chapin Forest, and historic sites that bring visitors to our community. Those visitors spend money at our restaurants, shops, and small businesses. Short-term rentals provide an important lodging option that helps support that local economy.

We are not asking you to ignore concerns—we are asking you to work with us to craft thoughtful legislation that protects neighborhoods while preserving property rights and supporting Kirtland's economy. Banning short-term rentals outright sends the wrong message and removes an opportunity to create a fair, enforceable system.

On behalf of the Lake & Geauga Area Association of REALTORS®, I respectfully urge Council to vote *no* on Ordinance 25-O-44 and instead direct staff and stakeholders to develop responsible regulations that fit Kirtland's needs. We stand ready to be a partner in that process.

Thank you for your time and service to this community.