

KIRTLAND CITY COUNCIL MINUTES

January 5, 2022 – Work Session

The work session meeting of Kirtland City Council commenced at 6:32 p.m. Council members present were: Ronald Fenstermaker, Scott Haymer, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Eric Ziegler. Absent: Kelly Wolfe.

Mayor Kevin Potter, Law Director Matthew Lallo, Service Director Joseph Fornaro, Police Chief Brian McCallister and Fire Chief Anthony Hutton were also in attendance.

Council President Ruple brought up for discussion the recent passage of a House Bill relating to use of fireworks beginning in July 2022, for specific holidays during the year; he noted that the City will have options to impose limits. Mr. Lallo stated it is at Council's discretion whether Council wants to place any regulations; he stated that the law will give residents the ability to set off fireworks for a number of holidays. Noting that there is a fire and safety issue involved, Mr. Ruple inquired if the Fire Chief and Police Chief have an opinion in this regard.

Chief Hutton stated that, similar to open burning, his concern would be use during dry or windy weather since it would be hard to control. He stated that it is already hard to control the setting off of fireworks during the July 4 holiday.

Chief McCallister stated there were reports of gunshots and fireworks on New Year's Eve. He stated that people purchase higher-end fireworks and put themselves and others at risk of injury. He stated that the noise is also a concern, along with the timeframe.

Discussion ensued regarding safety, fire and noise concerns. Chief Hutton stated he will reach out to the Fire Prevention group regarding other cities' responses. Mr. Lallo stated the holidays that will allow fireworks are: New Year's Day; Chinese New Year; Cinco de Mayo; Memorial Day weekend; Juneteenth; July 3, 4, and 5, and the preceding and following Fridays, Saturdays and Sundays; Labor Day weekend; Diwali; and New Year's Eve. Noting that cities have the ability to impose restrictions, Mr. Lallo stated he will look into the situation further and report back to Council.

Referring to legislation on tonight's agenda relating to the OPBA contract, Mr. Lallo advised that it corrects the issue that was previously discussed in executive session relating to the sergeants' pay; it corrects the percentage factor.

Council President Ruple stated that a citizen inquired about a road-by-road program expense accounting; Mr. Courtney is working on this.

Councilman Fenstermaker mentioned an email that Council members received regarding cable billing and proceeds to the City. Mayor Potter advised that he responded to the sender, noting that the Finance Director will look into this once he completes the year-end reporting.

In discussion, Mr. Lallo noted that the City receives a very small amount from Spectrum, but it is likely that nothing has been received since last March when the contract ended. It was noted there was a 20-year agreement with Adelphia. Mr. Ruple noted that information is being gathered regarding other cities' actions relating to cable and internet.

Councilman Schulz noted there have been some concerns regarding placement of 5G towers. Councilman Haymer noted that fiber seems more reliable and stable. Mayor Potter stated that the City can look into a feasibility study.

Councilman Schulz stated that a resident asked if the work sessions can also be made available for viewing online. Mayor Potter stated that upgrades will soon be done to allow broadcast of the meetings; he noted that the manner in which the meetings are currently broadcast does not provide very good quality, and he would prefer to wait until the upgrades are done to expand the broadcast to include work sessions.

With regard to legislation on tonight's agenda regarding the recall election, Council President Ruple noted that the Charter is specific in stating that Council shall fix a day for holding the recall election. Mr. Lallo confirmed that there has been no response from Ms. Wolfe. He advised that a delivery receipt was obtained relating to delivery to her email account of the certification of signatures for the recall petition. He noted that a copy was also mailed by regular and certified mail to her home address, and placed in her mailbox at City Hall. Mr. Lallo stated that the documents have been appropriately delivered to Councilwoman Wolfe, as required by the Charter.

Mr. Lallo stated he has been working with the Lake County Board of Elections, noting they will provide opportunity for voter registration and absentee voting; they will provide poll workers for the usual place of polling for Ward 1. He advised that once Ordinance 22-O-3 (on tonight's agenda) is passed, it will be sent to the Board of Elections and they will officially set the date. He noted that this is the City's election, and the Board of Elections will help facilitate it. Answering Mr. Ruple, Mr. Lallo stated there is no requirement for the City to publish a legal notice. He confirmed that the election must be held 60 to 75 days from the date of delivery. It was noted that the date of Tuesday, March 8, is proposed in the Ordinance.

Council President Ruple read from Article I, Section 6 in the Charter regarding vacancies, in the event the recall election results in a vacancy that needs to be filled.

Mr. Lallo confirmed that the Charter requires Council to set a date for the recall election, not less than 60 nor more than 75 days from the date of delivery.

There was no further discussion, and the work session meeting adjourned at 7:00 p.m. upon the unanimous consent of Council.

President of Council

Clerk of Council