

KIRTLAND CITY COUNCIL MINUTES

May 16, 2022 – Work Session

The work session meeting of Kirtland City Council commenced at 6:47 p.m. Council members present were: Ronald Fenstermaker, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Eric Ziegler. Scott Haymer was absent.

Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Fire Chief Anthony Hutton, Police Chief Brian McCallister and Senior Center Coordinator Teresa Szary were also in attendance.

With regard to the recent statute concerning discharge of consumer grade fireworks on certain days of the year, Law Director Matthew Lallo advised that it allows cities to opt out of that law and either restrict the days or prohibit the discharge of fireworks altogether. After having a conversation with the Police Chief, it was his desire to put forth a proposed ordinance that opts out of that law and continues the City's prohibition of the discharge of fireworks. Mr. Lallo noted that the Police Chief will send a memo to Council outlining a requested change to the City's ordinance, with proposed language for a new ordinance to opt out of the law and continue the City's prohibition of the discharge of consumer grade fireworks in the City.

Responding to Councilman Schulz, Mr. Lallo said it would be helpful if the ordinance is in place before July 4, because the law goes into effect July 1.

Mayor Potter inquired about the Police Chief's and Fire Chief's conversations with surrounding communities. Chief McCallister stated that all the Chiefs in the surrounding communities, and the Lake County Chiefs, are looking to ban the use of the consumer grade or show grade fireworks. He noted this would not apply to sparklers and similar items, but it would apply to the high industrial grade fireworks that tend to cause injuries. Chief McCallister noted there are several groups fighting this bill, although it has already been signed. He noted that in terms of safety and keeping some semblance of peace and quiet in the community, he believes passing such an ordinance is a good move going forward. Answering Mayor Potter with regard to the selling or transporting of fireworks, Chief McCallister stated it is addressed as well so it will not be incongruent with the legislation.

Mayor Potter noted that if the City does not pass an ordinance restricting or prohibiting the discharge of fireworks, in addition to the safety factor, there will be a lot more calls to the Police Department. He noted it would also create more issues for the Fire Department, especially during the dry season.

Chief Hutton stated the Lake County Fire Chiefs and Fire Prevention Organization are in line with what Chief McCallister is suggesting. He noted they have had the same discussions at their meetings. He said there is always a risk of fire, especially in July when fireworks are being set off. Chief Hutton said that last year there were a couple fires in Lake County; he noted a couple garages burned down in Willowick. He noted they defer to the Law enforcement side because they are tasked with enforcing it.

Chief McCallister said the residents need to be educated before the law is enforced. He noted that the Police Department has the ability to confiscate fireworks if they are out where they can be seen, noting it can be done without taking criminal action.

Answering Council President Ruple, Chief McCallister said the Police Department has cited individuals in the past, but he suspects it was in cases of repeat calls or someone who said they had no more fireworks and then proceeded to discharge them again.

Answering Councilman Ziegler, Chief McCallister stated it is his understanding that Council has the ability to restrict the days fireworks can be discharged. Mr. Lallo stated the statute provides for 12 or 13 days that fireworks can be discharged.

There was no further discussion, and the work session meeting adjourned at 6:58 p.m. upon the unanimous consent of Council.

President of Council

Clerk of Council