

The Village of Northfield

REGULAR COUNCIL MEETING Agenda – November 8, 2017

Pledge of Allegiance

Call to Order; Roll Call; Approval of Minutes

Presentation of Petitions, Memorials and Remonstrances

Reports of Municipal Officers:

Jesse J. Nehez, Mayor
Tricia Ingrassia, Finance Director
Richard Wasosky, Engineer
Brad Bryan, Law Director

Department Heads:

John Zolcus, Police Chief
Jason Buss, Fire Chief
Jason Walters, Service/Building Superintendent

Reports of Municipal Boards and Commissions:

Alan Hipps, Planning Commission
Mayor Nehez, Recreation Board
Beatrice Greenlee, Cemetery Board

Reports of Standing Committees:

Nicholas Magistrelli, Finance
Keith Czerr, Roads and Public Works
Renell Noack, Health and Welfare
Gary Vojtush, Wages and Working Conditions
Jennifer Domzalski, Fire and Safety
Alan Hipps, Buildings and Grounds

Legislation:

2017-75 – An Emergency Resolution Establishing a New Fund Known as the Property Improvement Fund within the Financial Records of the Village (Third Reading)

2017-78 – An Emergency Ordinance Enacting Chapter 889 of the Codified Ordinances Prohibiting Medical Marijuana Cultivators, Processors, and Retail Dispensaries from Locating and Operating in the Village (Second Reading)

2017-82 – An Emergency Ordinance to Approve the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances; to Approve, Adopt, Enact,

and Publish New Matter in the Updated and Revised Codified Ordinance; and to Repeal Ordinances and Resolutions in Conflict Therewith (First Reading)

2017-83 - An Emergency Resolution Authorizing Certain Amendments to the 2017 Appropriation Resolution and/or Transferring Items Already Appropriated in that Resolution (First Reading)

Old Business; New Business; Announcements; Adjournment

VILLAGE OF NORTHFIELD RESOLUTION NO. 2017-75

AN EMERGENCY RESOLUTION ESTABLISHING A NEW FUND KNOWN AS THE PROPERTY IMPROVEMENTS FUND WITHIN THE FINANCIAL RECORDS OF THE VILLAGE

WHEREAS, the Director of Finance recommends and Council determines it necessary to establish a new special revenue fund known as the Property Improvements Fund to be used by the Director of Finance to account for and accumulate resources to be used for the receiving and expending of funds necessary for capital improvements made to Village owned properties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That pursuant to Section 5705.13(C) of the Ohio Revised Code and the Village's Home Rule authority, the Council of the Village of Northfield hereby establishes a special revenue fund known as the Property Improvements Fund in the financial records of the Village for the purposes of accumulating resources for the acquisition of real property, construction costs, or improvement costs related to existing or new Village Hall, fire station, police station, and Service Department facilities and fixed assets of the Village. The money in the Fund shall come from directing 7.5% of the Village's annual income tax revenue from the prior year into the Fund with the first deposit into the Fund being made in 2017. Money shall be directed to the Fund for a period of 10 years unless otherwise determined by Council, and a maximum of \$5,000,000.00 shall be accumulated in the Fund.

SECTION 2. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its legal committees and/or were in compliance with all legal requirements.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason such legislation is required by law in order to establish this fund and the fund that will assist the Village with planning and allocating funds necessary for capital improvements to Village owned facilities, and this Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2017.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

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Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2017.

Tricia Ingrassia, Clerk of Council

**VILLAGE OF NORTHFIELD ORDINANCE NO. 2017-78
AN EMERGENCY ORDINANCE ENACTING CHAPTER 889 OF THE CODIFIED
ORDINANCES PROHIBITING MEDICAL MARIJUANA CULTIVATORS,
PROCESSORS, AND RETAIL DISPENSARIES FROM LOCATING AND OPERATING
IN THE VILLAGE**

WHEREAS, Ohio House Bill 523, which provides for the legalization and regulation of medical marijuana in the State, became effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 provides that the legislative authority of a municipality may adopt an ordinance to prohibit medical marijuana cultivators, processors, and dispensaries within the municipality; and

WHEREAS, Council deems it necessary for the health, safety, and welfare of the residents of the Village and as a business regulation matter to prohibit, with the exception of those licensed facilities indicated in Section 889.02, medical marijuana cultivators, processors, and retail dispensaries within the Village, in accordance with the authority granted to it by Ohio Revised Code Section 3796.29.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Council of the Village of Northfield hereby and herein enacts Chapter 889 of the Codified Ordinances as indicated in the attachment hereto.

SECTION 2. That the rest and remainder of the Codified Ordinances shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Ordinance were taken in an open meeting of this Council or any of its legal committees and/or were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield, for the reason that Council desires that this Ordinance go into effect as soon as possible, and this Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2017.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2017.

Tricia Ingrassia, Clerk of Council

CHAPTER 889

Medical Marijuana Cultivators, Processors, and Retail Dispensaries

889.01 PROHIBITION.

Cultivators, processors, or retail dispensaries of medical marijuana as defined and licensed in Chapter 3796 of the Ohio Revised Code, as it may be amended from time to time, shall be prohibited in the Municipality.

889.02 EXCEPTIONS.

The prohibition set forth in Section 889.01 above shall not apply to licensed facilities involving research related to marijuana conducted at a state university, academic medical center, or by a private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity as provided in Section 3796.29 of the Ohio Revised Code.

VILLAGE OF NORTHFIELD ORDINANCE NO. 2017-82

AN EMERGENCY ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT, ENACT, AND PUBLISH NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH

WHEREAS, American Legal Publishing has completed its annual updating and revision of the Codified Ordinances of the Village; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (previously updated through December 31, 2015) have been included in the Codified Ordinances of the Village; and

WHEREAS, certain changes were made in the Codified Ordinances to bring Village law into conformity with State law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the editing, arrangement and numbering or renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the Village, so as to conform to the classification and numbering system of the Code:

<u>Ord. No:</u>	<u>Date</u>	<u>C.O. Section</u>
2016-09	2-24-16	230.01, 230.015, 238.07
2016-29	4-13-16	648.04
2016-33	4-27-16	238.13, 244.10 (Repeals 232.02)
2016-54	6-22-16	258.01
2016-56	6-22-16	244.18, 244.19
2016-57	6-22-16	244.07
2016-71	8-24-16	1268.10
2016-79	9-14-16	1268.11
2016-100	11-30-16	891.051, 891.091
2016-105	12-14-16	246.10

SECTION 2. That the following sections are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

402.23, 402.24, 404.03, 432.03, 432.16, 432.20, 432.34, 434.01, 434.011, 434.03, 434.09, 434.11, 436.01, 436.09, 436.11, 436.12, 436.14, 444.02, 446.01, 446.03, 446.08, 452.05, 452.06, 452.07, 606.01, 606.06, 608.04, 608.16, 612.01, 612.07, 612.08, 618.01, 618.05, 618.21, 624.01, 624.02, 624.025, 624.03, 624.04,

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624.05, 624.06, 624.07, 624.08, 636.05, 636.09, 636.13, 636.14, 636.16, 642.06, 642.08, 642.09, 642.12, 660.03, 666.08, 678.01, 678.02, 678.04, 678.14, 678.15, and 698.02

SECTION 3. That all ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and enacted by Section 2 hereof are hereby repealed, except as follows:

(a) The enactment of such new matter shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.

(b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2016.

SECTION 4. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Ordinance were taken in an open meeting of this Council or any of its legal committees and were in compliance with all legal requirements.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the public peace, health and welfare of the residents of the Village of Northfield in that it is necessary to have an up-to-date Code of Ordinances that is consistent with State law as required by Article XVIII, Section 3, of the Ohio Constitution with which to administer the affairs of the Village, ensure law and order, and avoid practical and legal entanglements, and that this Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____, 2017.

Nicholas Magistrelli, Pres. Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing ordinance was duly and regularly passed by Council at a meeting held on the ____ day of _____, 2017.

Tricia Ingrassia, Clerk of Council

VILLAGE OF NORHTFIELD RESOLUTION NO. 2017-83

AN EMERGENCY RESOLUTION AUTHORIZING CERTAIN AMENDMENTS TO THE 2017 APPROPRIATION RESOLUTION AND/OR TRASFERRING ITEMS ALREADY APPROPRIATED IN THAT RESOLUTION

WHEREAS, as the result of certain occurrences, information, and expenditures, amendments to the year 2017 Appropriation Resolution and/or transfers of items already appropriated in the Appropriation Resolution are required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That in order to provide for certain expenditures during the 2017 calendar year, Council hereby and herein authorizes the amendments to the Year 2017 Appropriation Resolution and transfers of items already appropriated in the Year 2017 Appropriation Resolution in the amounts and to the funds set forth in the attachment hereto that is incorporated herein by reference.

SECTION 2. That all formal actions of the Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its committees and were in compliance with all legal requirements.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that this action is required by state law and is necessary for the operation of the Village government, and that this Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2017.

Nicholas Magistrelli, President Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form

Bradric T. Bryan, Director of Law

I, Tricia Ingrassia, Clerk of Council of the Village of Northfield, Summit County, Ohio do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2017.

Tricia Ingrassia, Clerk of Council