

The Village of Northfield

REGULAR COUNCIL MEETING

May 28, 2014

The meeting was called to order by Mayor, Jesse J. Nehez at 7:32 p.m.

PLEDGE OF ALLEGIANCE was recited.

ROLL CALL was read by Admin. Assistant, Lisa Rodriguez. The following were present: Mayor Nehez, Beatrice Greenlee, Linda Bowen, Nicholas Magistrelli, Gary Vojtush, Alan E. Hipps and Ethan Miladinovic. In addition, Law Director, Brad Bryan, Police Chief Mark Wentz, Service/Building Supervisor, Jason Walters, and Finance Director Tim Clymer were also present. Engineer Richard Wasosky and Fire Chief Jason Buss were not in attendance.

APPROVAL OF MINUTES:

A motion for approval of the May 14 , 2014 minutes was made by Alan E. Hipps and seconded by Beatrice Greenlee, passed with 6 ayes.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES: None

GUEST SPEAKER: NONE

REPORTS OF MUNICIPAL OFFICERS:

MAYOR JESSE J. NEHEZ reported that he met with Brock Milstein today and they will be meeting with their contractor this week about their fencing and will be cleaning up all debris by fencing line and the lots will be mowed.

FINANCE DIRECTOR TIM CLYMER reported that he is getting settled into his position and thanked everyone here at the Village, specifically Tricia LeWalk-Ingrassia, Diane Gacom and Jay Mutter and everyone should see some good progress out of his department.

ENGINEER RICHARD WASOSKY, is not present but will be at the June 11, 2014 meeting.

LAW DIRECTOR BRADRIC BRYAN stated that there is an ordinance 2014-28, regulating snowmobiles, off-highway motorcycles and all-purpose vehicles. The primary focus is the off highway motorcycles and all purpose vehicles. Alan Hipps was concerned about vehicles causing disturbances in the Village. Jason Walters and Lt. Mackie had input into this Ordinance. There are many items in this proposed ordinance that can be modified or tweaked. Brad Bryan stated that Council needs to find the correct balance between people enjoying these types of vehicles on their own property and neighbors being entitled to quiet enjoyment of their property. We are not a rural community with large lots, the residences are close together.

Brad passed out another piece of legislation, 2014-30; an emergency Ordinance establishing section 804.025 of the codified ordinances relating to the payment of anything of value for playing electronic amusement devices at internet cafes or electronic amusement device emporiums. Brad stated that these types of establishments are attempting to re-open with a new type of system, arguing that they are exploiting a loop-hole with respect to the state gambling laws. Brad doesn't think that this type of business is not going to be looked at favorably by the Attorney General's office, and certainly not by the Casino owners and Racino owners, knowing that they have had to pay expensive permit fees and are tightly regulated with the state and these other types of businesses are

not. Brad stated that he and Chief Wentz have gone to the testing agency that tests these machines. Brad told Chad Price from Dusk Til Dawn, who was in the audience, that he spoke with his attorney today, and he and Chief Wentz expressed their thoughts that they don't feel it is appropriate to allow financial payouts for any of these types of games. Mr. Bryan stated that he doesn't know what Mr. Price's position will be on this, but Mr. Bryan said this ordinance would prohibit any type of payout for those types of games. The ordinance has an exception for skill based games because they are specifically regulated by the Ohio gambling laws. The proposed ordinance also includes exceptions for any type of game that is licensed by the casino control commission, lottery control commission or the Charitable Bingo Division of the Attorney General's office. Brad stated what they have run into in the past is that neither he nor the police or the building departments have the expertise to test or evaluate these games. We have relied in the past on an agency to test these machines. Brad asked for a motion for this Ordinance to be added to the agenda.

Ethan Miladinovic asked if these machines were presented as they were to work with the state law, is there anyone that can be contracted out that we could use to test these machines. Chief Wentz stated that Nick Farley and Associates is out of Solon. They come in and examine the machines, signatures and software and determine if they fall within the state law. Chief Wentz stated that we would prefer to fall back on the Attorney General's office to do the testing and have that responsibility.

Brad Bryan stated that just because the software complies before the business opens, doesn't mean that it continues to comply. We could do costly random checks, but we would rather have the state handle those checks. Again, Brad said that it is an open issue that hasn't been fully decided, supposedly because you know the outcome of the game before you play it, but it could be a different version of the game in which the outcome is not known. Chad Price asked Brad Bryan about two recent municipal court decisions in Ohio from other regions that have reviewed the issue. They held that it's not gambling because a voucher is paid out when you win, you take the voucher to the counter and get cash, and because the machine is paying a voucher, it isn't the definition of paying cash, which is the definition of a slot machine. Brad stated that he spoke with the Attorney General's office and they feel that loophole will be closed in state law soon. Brad said again, when an issue is not regulated by the state, we have our own powers to step in and regulate the issue pursuant to the Village's home rule powers.

Linda Bowen made the motion to add Ordinance to the agenda and was seconded by Beatrice Greenlee, carried with 6 aye votes, to be placed on the 6/11/14 Council agenda. Brad stated this will be on second reading on 6/11/14 and told Mr. Price that he can come to any meetings he would like.

Ethan Miladinovic asked Mr. Price if he has plans to open sooner than later, and Mr. Price said yes.

E. DEPARTMENT HEADS:

1. Police Department, Chief Mark Wentz gave his report (see attached) Gary Vojtush asked if anything has been about the lock-outs at the Rocksino so that the police don't have to keep going up. Chief Wentz reminded everyone that people are looking for someone to pay for repairs, if anything gets broken. Chief Wentz stated that they do have a waiver to sign, and the Hard Rock hasn't wanted to take on that responsibility as of yet. Gary said that last time he and Chief Wentz spoke about the lockouts a couple weeks ago it seemed like the police dept. was going up to the Rocksino pretty often, and said it would be nice to free up the police from having to do that.

Also Gary asked if Chief Wentz had heard anything from Sherry Bevin Walsh. Chief Wentz said that would be about the Autism devices. Chief Wentz said that he has received a letter thanking him and

Gary for their involvement on an issue that is dear to her, but they are moving forward with the sheriff's office and will also present to the Summit County Police Chief's Association.

Mayor Nehez stated that it is funny that some of the things that Gary Vojtush asked questions about we just had a public records request for. Mayor told Chief Wentz that the lockouts and how much time is being spent by the police at Rocksino.

Fire Department, Fire Chief Jason Buss, was not present but will be at the June 11, 2014 meeting.

Service/Building Supervisor, Jason Walters, gave his report. (see attached) Alan Hipps asked Jason if the scrap value was included in any of the quotes he received for 10467 Northfield Rd building demo. Jason said no that is the price to remove the building as it stands.

Gary Vojtush asked Jason if there has been any movement on the apartments as far as the cleanup. Jason said that it seems like the cleanup is going well, but the issue that caused the problem is still being determined.

Ethan Miladinovic stated that he has looked at the two big trees on that need cut down at 126 Summit. Jason said that Lisa Rodriguez pulled the property and Lt. Mackie looked up the owner, and contacted her and she went on record with Lt. Mackie as still owning the property, and the trees are fine and not diseased. Jason said they have to wait and see what she will do with these. Jason said that they crawl space is filled to grade with water and the entire structure is molded.

Brad Bryan said he doesn't know what the authority is that we have on properties where trees need cut down, maybe we need to beef up our ordinances. Jason said that we do need to put some teeth in the tree ordinance.

Mayor Nehez stated that he can help Brad and Jason put an ordinance together regarding trees. Mayor Nehez said that there is a program in the state to help with ash trees.

Mayor Nehez thanked Jason for getting the street sign at Elm/Milford. Mayor Nehez asked Jason how the "to do list" was coming along that he and Alan made. Jason stated that it should be complete, except for the one lot and he has spoke with the owner.

REPORTS OF MUNICIPAL BOARDS AND COMMISSIONS:

PLANNING COMMISSION: ALAN HIPPS, had no report and stated that no meeting is needed this month.

B. RECREATION BOARD: MAYOR NEHEZ, stated that the recreation board will be meeting on June 5th at 7:30pm. Will discuss ideas for a Village 5k run/walk and a fire truck pull. Mayor Nehez said that he spoke with Brock Milstein about helping out with the 5k and fire truck pull, and also will speak with other Village businesses to make donations as well.

REPORTS OF STANDING COMMITTEES:

FINANCE: LINDA BOWEN, asked Brad Bryan to read the pay Ordinance 2014-29, an emergency Ordinance approving the payment of bills for the month of May 2014 in the amount of \$87,901.05. A motion was made by Beatrice Greenlee and seconded by Linda Bowen, passed with 6 ayes. Linda reported that the next Finance meeting will be June 25th, 2014 at 6:30pm.

ROADS/PUBLIC WORKS: ETHAN MILADINOVIC had nothing to report.

HEALTH AND WELFARE: GARY VOJTUSH, had nothing to report.

BUILDINGS & GROUNDS: ALAN HIPPS, had no report.

Mayor Nehez told Jason Walters what a wonderful job his department and men did with the mulching and pruning around the Village with our buildings.

Jason stated that when Mayor and Council went with Jason to the apartments, that many people were appreciative. Mayor Nehez stated that they were very please to see Council and Mayor there. Jason said that many people are coming forward now, he had a call the other night about the heat being shut off. Brad stated that many people who live in apartments thing that since they are renting that they don't have many rights.

WAGES AND WORKING CONDITIONS: NICHOLAS MAGISTRELLI had nothing to report.

FIRE AND SAFETY: BEATRICE GREENLEE had nothing to report.

Mayor Nehez stated that they had a problem at the parade with the 24 yr old fire engine, where they stopped at a street and couldn't get it started. Jason stated that it is the fuel shut off. Beatrice stated that the fire engine did get driven back to the station. Ethan Miladinovic asked it vehicles like that time out after a certain amount of time in service. Mayor Nehez stated 25 yrs. Brad asked Gary Vojtush, and he said at 15 yrs old it should be refurbished and the life expectancy is 25 yrs old, and it is to be replaced. Gary stated that the engine is 23 yrs old and we need to think of what we are going to do with this.

LEGISLATION:

Brad Bryan read the Ordinance 2014-15 an emergency Ordinance establishing Chapter 869 of the codified ordinances relating to secondhand dealers. Brad said that this will be amending to be effective 7/1/14. Brad stated this will be on third reading at the 6/11/14 council meeting.

Brad read the ordinanc2014-28 an emergency Ordinance amending section 446.03 and repealing section 446.04 relating to snowmobiles, off-highway motorcycles and all-purpose vehicles. Brad asked Council what their pleasure is with this Ordinance, it was on first reading tonight. Beatrice Greenlee stated that it will go on second reading at the 6/11/14 council meeting.

Brad stated that Ordinance 2014-30 an emergency Ordinance establishing section 804.025 of the codified ordinances relating to to the payment of anything of value for playing or utilizing an amusement device was on first reading tonight and will be on second reading at the next Council meeting of 6/11/14.

OLD BUSINESS; NEW BUSINESS; ANNOUNCEMENTS; ADJOURNMENT

There was no old business. In the new business Mayor Nehez welcomed Tim Clymer to the Village and let everyone know that Chief Risko's son passed away. Jason Walters stated that Brian Barber's mother wpassed away also.

A motion for adjournment at 8:23p.m. was made by Beatrice Greenlee and seconded by Ethan Miladinovic and passed with 6 ayes.

Respectfully submitted by:

Beatrice Greenlee
President of Council

Attest:

Lisa M. Rodriguez
Clerk of Council