

# The Village of Northfield

## REGULAR COUNCIL MEETING

June 11, 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 Tim Clymer, Finance Director. The following were present: Mayor Nehez, Beatrice Greenlee, Linda Bowen, Nicholas Magistrelli, Gary Vojtush, Alan E. Higgs and Ethan Miladinovic. In addition, Law Director, Brad Bryan, Village Engineer Richard Wasosky,, Service/Building Supervisor, Jason Walters, and Finance Director Tim Clymer were also present. Police Chief Mark Wentz and Fire Chief Jason Buss were not in attendance.

### **APPROVAL OF MINUTES:**

A motion for approval of the May 28, 2014 minutes was made by Beatrice Greenlee and seconded by Linda Bowen, passed with 6 ayes.

### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES:**

Jim Pavlish, owner of Mr. Money Bags spoke about the 60-day wait for the Ordinance 2014-15 second hand dealers. Brad stated that the ordinance would be effective July 1<sup>st</sup>, and Mr. Pavlish asked for an additional 60-days to implement. Brad said that we don't expect them to tag each coin, they can just tag the box. They also are going to use a computerized program since handwriting is not legible. Mr. Pavlish also asked to reconsider to lower the 14 day wait.

Chad Price of Dusk 'Till Dawn next asked if there was going to be a second reading of Ordinance 2014-30, because his attorney said Brad Bryan had a conversation with his attorney, that there was not going to be a second reading because they were going to have a sit down. Brad stated that he told Mr. Price's attorney that Council would not pass the ordinance, but it will be on second reading tonight and would not take any action. Brad stated that his suggestion to Council would be to take no action tonight. Mr. Price stated that they have multiple people from Northfield that would like to voice their opinions and he was under the assumption that Council would be holding off until they got a sit down with the attorney. Mr. Bryan stated that yes, we are holding off. Mr. Price said that it is still second reading. Brad stated yes, he had a specific conversation with Mr. Price's attorney and stated that they would not be passing the legislation, it would just be on the agenda.

Resident, John Duniven requested that the Village do the same as Macedonia, and get a spot on Time Warner to video the council meetings. Brad Bryan stated that the one issue with that is that the Village would have to forgo their Time Warner franchise fees, Brad stated that the amount the Village receives he thinks is around \$24,000.00 but will have to verify that number. Mr. Duniven stated that the reason he brought this up to Council is that it seems that Council is putting a lot of emergency Ordinances in place that is restricting the rights of the residents of the Village. Just because there are a few people that are making people made, Council thinks that they have to make a blanket Ordinance. John said that this stuff needs to get out to the constituents. People don't show up to the Council meeting and that is their fault, but the things that are being passed in this room are being passed without 90% of residents knowing until it happens. Brad asked Mr. Duniven if there was anything specific Mr. Duniven was referring to. Mr. Duniven stated that last year there was a situation where one resident had their lights shining on another residents property and supposedly the police couldn't get the residents to come to some kind of agreement, so now you are not allowed to have lights on your property at the boundary line, and again 90% of the residents didn't know about this.

Linda Bowen stated that that Ordinance did go through all three readings and was in the newspaper. Mr. Duniven stated that not everyone reads the newspaper. Linda stated then how is Council supposed to get the information out to residents. Mr. Duniven said to video tape the Council meetings. Linda stated that if the residents can't come to the meeting or read the newspaper, they will not watch a video online. Brad stated that all the information from Council meeting are put on the Village website. Mr. Duniven stated he is not pursuing this issue any further.

Mr. Duniven stated that he is witnessing the police department blatantly ignoring ordinances and he is tired of it.

Brad Bryan asked if Mr. Duniven was referring to traffic ordinances and Mr. Duniven stated no, the noise ordinances where a kid drives up the street with a very loud radio and the police cruisers go the opposite direction and ignore it. Mr. Duniven stated he frequently finds police cruisers sitting behind the new Goodwill store it and more than at a 30 minutes at a time, aren't there better things for them to do. The more police we get the less he sees getting done, there was better coverage back in the 60's with one policeman.

Mayor Nehez stated that he will address these issues with the police Chief. Mr. Duniven stated that Mayor has said that many times. Mayor Nehez stated that he has taken this issue many time to Police Chief Wentz like he said he would do and they need to start doing the right thing. Mr. Duniven stated that if the police chief doesn't know to do the right thing, then maybe he needs to be replaced. Mr. Duniven stated that he wondered when they did the pledge of allegiance about the three-readings of the ordinances, why they are all emergencies. Mayor Nehez asked Brad to explain what "emergency" is. Brad stated that it just means it goes immediately into effect once it is passed and when it isn't an emergency it goes into effect 30 days later, it doesn't mean that it doesn't go three-readings. Brad stated that there are many that have gone more than three readings and the trend has been over the last year and a half to go at least three readings. Brad stated that contracts and things like that get done right away. Mr. Duniven asked what the changes were to Ordinance 2014-28. Brad stated that all of the underlined portions were new regarding snowmobiles, off-road motorcycles and all-terrain vehicles that they cannot be ridden on properties that are less than one acre in size. Mr. Duniven asked if that limits someone from starting that type of vehicle and removing it from their vehicle to put in their garage. Brad and Mayor stated no it does not. Mr. Duniven was under the understanding that if you owned one of these types of vehicles, you would have to push it. Brad stated no and the concerns were excessive and continuous noise for a long period of time, dust and mud being kicked up and riding in their front yards close to the streets and motorist, it is a danger.

Matt Pavlish, owner of Mr. Money Bags stated that it seems like at the work session it seemed kind of personal nor open minded. Matt stated that their business cannot work on the 14 day rule, maybe to go down to 5-6 days and give their business a 60-day latitude. Matt asked Council to be open minded to his suggestions and thanked Mayor and Council.

Mary Ann Ciolek a senior resident, asked for Ordinance 2014-30 to be explained why it is an emergency. Brad stated again, that it was introduced at last Council meeting, and he gave his advice to Council to not pass tonight and did express this to Mr. Price. Brad stated again, that "emergency" only means that when it gets passed it goes into effect immediately rather than, when it is not an emergency ordinance it takes 30-days to go into effect. Mary Ann spoke on behalf of Dusk 'Till Dawn for Mayor and Council to reconsider letting them re-open. Mary Ann stated that it was a meeting place for the seniors and had meals their as well as social time, that seniors can't afford the big casinos. Mary Ann said that it will bring back workers to the Village and also the monies that Dusk 'Till Dawn brought into the Village. She urged Council to put this Ordinance on emergency right away.

**GUEST SPEAKER: NONE**

## **REPORTS OF MUNICIPAL OFFICERS:**

**MAYOR JESSE J. NEHEZ** didn't have a report at this time. Mayor stated that there are some things in discussion with Northfield Park and New Plaza Management and will report that at a future Council meeting.

**FINANCE DIRECTOR TIM CLYMER** reported within the next two weeks he would like to present the 2015 tax budget, which is for the County only, it is not the official budget for the Village. Tim stated that this budget states to the County that the Village would like to continue to receive the property taxes and local government distribution money and we summarized our debt to them so that they could run some calculations. Brad stated that Tim designs it to show that the Village does need the monies.

Tim stated that he met with our Liability Insurance broker this morning and stated that last years premium was \$30,312.00 through the current carrier and he will work with her for renewal and in a couple weeks there will be legislation with them. Brad stated that this is the third year of a three year contract, with some changes due to vehicles being bought and sold and also property.

Tim said that the firm doing the Village's bi-annual audit, will meet with him next week, should be in the week of July 8<sup>th</sup> to do some field work.

**ENGINEER RICHARD WASOSKY**, gave his report. (See attached) Mayor asked Rich to elaborate on the Safe Routes to Schools 2014 Grants and what it means to the Village. Rich stated that the Village will put in a new sidewalk on the north side of Ledge Rd from State Route 8 to Lee Eaton School. Rich said to do this, there is a ditch that we need to put in storm sewer pipe and cover up the ditch and then put the sidewalk on, at no cost to the Village, the state will fund all of this work. Rich stated that we didn't rate high enough, so the school will apply again in 2015, and then a year later you will start the construction in 2016.

Mayor Nehez asked Rich to get him the cost of the emergency vehicle detector at the Racino driveway at Vincent. what what it would be to move that unit so he could tell Brock at Northfield Park. Rich thinks it would be less than \$1,00.00 to move.

Gary Vojtush asked Rich how many sensors on the lights. Rich stated that each light has a sensor. Gary asked if all of the lights could be wired to one sensor instead of using three different sensors. Rich stated no, these are for emergency and we cannot use one sensor to active all three lights, you need one sensor for each approach and it does trip all three lights currently. Rich said that you can have four cameras working two approaches. Gary said heading north put one and it will trip those lights, then heading south and hit that sensor and trip all those lights. Rich said that we changed them to be more efficient in the direction you are going to be green without tripping the red.

Rich stated that if we want to be part of the Sagamore Rd., project, Council does need to pass the legislation by the end of the next Council meeting of June 25, 2014. Rich said that he will get the exact numbers for Tim Clymer on Monday. Brad asked if Council does pass this legislation for this project, when would the bills start coming in. Rich said that the project would start in the fall and most of the bills would come in next year, and most likely won't pave until 2015. There might be up front for plans and things like that around \$15,000.00 Jason stated that if we do not decide to go with this project, the project will not be done at all. Rich said that they could leave us out, but the issue one would reduce their grant because our portion would be removed. Walton Hills and Sagamore really want this project done, and in Valley View it isn't one of their top projects.

Gary asked Rich if Walton Hills offered to loan us the money for our part of the project. Rich said yes they did before the Rocksino checks came, but now that is out of the question

Alan asked if that was recycle in place or rebuild. Rich said it was recycle in place and pretty much the same as Summit Ave. and was 6" recycle and 3 1/2" cap.

**LAW DIRECTOR BRADRIC BRYAN** stated that Mayor Nehez had received an email this week from the Summit County Department of Economical Development about the three lots on Heights Ave., and they will be deeding the Village the deeds for those lots and will file this week if they haven't. Brad stated to Mayor and Council that at the end of the Council meeting they will go into an executive session.

**E. DEPARTMENT HEADS:**

- 1. Police Department, Chief Mark Wentz**, was not present but will be at the June 25, 2014 meeting.
- 2. Fire Department, Fire Chief Jason Buss**, was not present but will be at the June 25, 2014 meeting.

**3. Service/Building Supervisor, Jason Walters**, stated that the situation at the Lincoln Apartment has not been repaired as of today, the storm system has failed. We have expressed their concerns over the past couple of weeks and they came to agreement with Four Seasons to do the work. Jason said this is the main concern for now and they are working on other items as well. They are to pull permits by Friday and then will go from there.

Mayor Nehez stated that the walk through that he and Council did has really opened everyones eyes to helping the residents in those apartments. Mayor Nehez stated it is horrible conditions and he is glad that Council is willing to step forward and help out. Jason agreed with Mayor Nehez.

Jason stated that he and Mayor Nehez met with the owner of the vacant lot of Filly Ln. and James Pl. the south property of Filly Ln. The owner requested to go to Planning Commission meeting, so Jason asked for a Planning meeting to be set to review his initial plans and he will end up needing to request a variance and we will see what ideas he has and then go from there. Alan Hipps stated they will have a Planning Commission meeting next Wednesday, 6/18/14 at 7:30pm.

Jason stated he has received quotes from several contractors regarding the demo of the purchased building next door and maybe we will consider once we get everything to Tim Clymer and have him go over the numbers. The low was \$18,000.00 and the high was \$28,000.00.

Jason said his department has been working on the roads and catch basins and cutting around 20 plus grass properties.

Gary Vojtush said that he had a conversation with a resident at 69 Summit Ave. regarding the bottom part of his drive is cracked. Jason said that they have gone over this with the resident several time and Rich stated that we have video tape of this gigantic crack, and it was there before the project. Rich stated that we will not replace a crack that has been there for decades. Rich stated that if the resident would like to view the video he can contact him at his office and he will be more than happy to show him the video. Jason said the resident is a very nice man, and there is no other issue there other than he has a severe crack. Gary said that he will tell the resident that Rich has the video if he would like to view it.

Nick Magistrelli thanked Jason Walters for being one step ahead of the phone call with regards cleaning of the sidewalks and grass cutting of the lawn on Filly Ln. before he had contacted him. Nick said it is nice to make that phone call and for Jason to be one step ahead.

**REPORTS OF MUNICIPAL BOARDS AND COMMISSIONS:**

**A. PLANNING COMMISSION: ALAN HIPPS**, had no report and stated that there will be a Planning Commission meeting at 7:30pm on 6/18/14 to discuss the property at Filly Ln & James Pl.

**B. RECREATION BOARD: MAYOR NEHEZ**, stated that the recreation board did not have a quorum last week on 6/5/14 so they will be meeting on June 12<sup>th</sup> at 7:30pm. and will discuss ideas for a Village 5k run/walk and a fire truck pull.

#### **REPORTS OF STANDING COMMITTEES:**

**FINANCE: LINDA BOWEN**, asked Brad Bryan to read the Mayor's Court monthly dispersal report of May 2014 report. A motion was made by Linda Bowen and seconded by Beatrice Greenlee and passed with 6 aye votes. Linda Bowen said that the next Finance Committee will be June 25, 2014 at 6:30p.

**ROADS/PUBLIC WORKS: ETHAN MILADINOVIC** had no report.

**HEALTH AND WELFARE: GARY VOJTUSH**, stated that he has started to contact different administrators to see what they can do about the contract for health and welfare.

**BUILDINGS & GROUNDS: ALAN HIPPS**, had no report.

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

**FIRE AND SAFETY: BEATRICE GREENLEE** had nothing to report. She asked if the fire truck had been repaired and back in service. Mayor Nehez stated that yes it has been repaired and is back in service.

#### **LEGISLATION:**

Brad Bryan read the Ordinance 2014-15 an emergency Ordinance establishing Chapter 869 of the codified ordinances relating to secondhand dealers. Brad stated this is the fourth meeting it has been on the agenda. A request has been made by Jim and Matt Pavlish to amend the July 1<sup>st</sup> date. Gary Vojtush made a motion to amend this ordinance by the 60 days from today so they can update their system and do what they need to do. Brad stated that would be August 8<sup>th</sup> and asked for a second motion, which they didn't give, so the motion failed. Gary asked if there had been any movement on the House Bill 530. Brad stated it is House Bill 559 and is pending and hasn't gone to committee yet and deals with precious metals dealers and it proposes a 15 day waiting period. Brad asked for a motion for passage of the amended Ordinance as it stands for July 1<sup>st</sup>.

Beatrice Greenlee asked for executive session to discuss and Brad stated that it isn't needed.

Nick Magistrelli stated that he wished the police were here at the meeting, and Beatrice agreed. Nick said they are the professionals and they can give the opinion. Nick stated that he would like to do everything he can to keep the business moving forward. He said he voiced his opinion last meeting, and the police are the professionals and Council is just trying to follow what the professionals say, but at the same time he would like to keep moving forward. Beatrice asked if they would like a work session. Nick said he would like to discuss this a little bit more and his feelings on the 14 days hasn't changed, but he doesn't want to put anyone in jeopardy of losing their investment. Nick said that he doesn't want to make a wrong decision and that they want to protect people but have free enterprise open and moving forward. Nick suggested another work session for Council to discuss because he doesn't want to make a decision that he will regret later. Beatrice stated that they can have a work session with police chief, police Lt and detective, and Nick agreed. They would like to protect the Village and everyone who walks into their business, and Nick said that they weren't saying they were doing something wrong, but the officers have stated that they aren't doing the right thing fast enough.

Matt Pavlish stated that they feel that they can work through all of this, to play nice and get along. Nick stated that it is not a matter of playing nice, it is a matter of getting the right thing done. Matt said they are trying to do the right thing. Jim Pavlish stated that their problem is with the police department. Jim said that there are surrounding communities that give them reports on items that have been stolen, and they tell them to look for these items, so they work with them in case they come across their store, but the Village of Northfield police department doesn't give them any list like this. Jim said that Macedonia and Sagamore office contacted him this week and they keep an eye out for the items. Instead of being adversarial like the other departments it would be nice to have our police give them the information as well. Nick stated that since Beatrice has so much knowledge in this area, he trusts her and the police officers. Nick does have a problem that he doesn't want to make a decision on where he is 100% sure and has some questions. Nick doesn't think that this can be decided on in one work session. Jim said to let them know who to contact and he would like to sit with the police and discuss procedures. He stated that they are logging everything in, taking pictures and the other departments state they are doing what they want, so life would be a lot easier if they know what our police want.

Nick and Beatrice agreed that a Council work session at 6:30pm. 6/18/14. Gary Vojtush stated he works at his job that date and won't be able to make the meeting.

Brad read the ordinance 2014-28 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 second reading tonight. Beatrice Greenlee stated that it will go on second reading at the 6/25/14 council meeting.

Brad stated that Ordinance 2014-30 an emergency Ordinance establishing section 804.025 of the codified ordinances relating to the payment of anything of value for playing or utilizing an amusement device was on second reading tonight and will be on third reading at the next Council meeting of 6/25/14

### **OLD BUSINESS; NEW BUSINESS; ANNOUNCEMENTS; ADJOURNMENT**

Alan Hipps asked Gary Vojtush where the re-traction was on the mis-information he put in the News Leader, it has been over a month. Gary said that it should be in the next News Leader of 6/18/14.

Mayor Nehez asked Gary Vojtush where the paperwork was to support his statement of \$1.5 million was missing. Gary said that he doesn't have the paperwork with him tonight. Mayor Nehez asked Gary if he could bring it, and Gary said yes. Mayor Nehez said that if \$1.5million was missing, and Gary strongly believed that, then why would he vote for the raises, why would he vote to spend more money. Gary said why would last years Council vote to approve \$1million in appropriations when we only had \$300,000.00 for a carryover. Gary said why would we vote for it this year when we didn't have the money coming in right away. He said we do have the money coming in to work with and Gary said that he believed that was a true number given to him by the past finance department. Mayor Nehez stated he would like to see the paperwork supporting that number. Brad asked Gary, if it was a number given to him or an accurate number? Gary said that he assumed it was an accurate number. Mayor Nehez thanked Mr. Vojtush in advance if he could bring in that paperwork.

Councilman Vojtush stated that they had raised around \$1,000.00 for the Autism Walk fundraiser. Mayor Nehez stated that the

8:40pm a motion was made by Beatrice Greenlee and seconded by Linda Bowen to go into an executive council session, with 6 ayes.

9:08pm a motion to come out of the executive council session was made by Beatrice Greenlee and seconded by Linda Bowen and carried with 6 aye votes.

A motion for adjournment at 9:09pm. was made by Beatrice Greenlee and seconded by Nick Magistrelli and passed with 6 ayes.

Respectfully submitted by:

Attest:

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Beatrice Greenlee  
President of Council

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Lisa M. Rodriguez  
Clerk of Council