

# The Village of Northfield

## REGULAR COUNCIL MEETING

June 25, 2014

The meeting was called to order by Mayor, Jesse J. Nehez at 7:30 p.m.

PLEDGE OF ALLEGIANCE was recited.

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

### **APPROVAL OF MINUTES:**

A motion for approval of the June 11, 2014 minutes as amended to correct the sentence that the finance meeting should be 6:30p.m. was made by Beatrice Greenlee and seconded by Linda Bowen, passed with 6 ayes.

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

Resident, Phil Kneziak who lives on Victory Dr. thanks Mayor Nehez, Council and Councilman Alan Hipps for fixing the street. Phil also thanked Jason Walters, Chris While and the whole service department, who worked on the sewer last night to get the problem fixed and he appreciated everything that they did to resolve the situation.

Resident, Chad Bradley of Cambridge Dr., stated that the Chief Buss, along with the Village fire department have been helpful and Jason Walters along with the Village service department have come to help whenever he has asked regarding the roads. Chad stated that he feels Mayor Nehez is doing a great job. He told Mayor and Council to do what is right by the residents of the Village, not just to get re-elected or just because it is someone's agenda. He feels that if Mayor and Council do what is right then everyone will be happy.

Owner of Dusk Till' Dawn, Chad Price spoke about changing the ordinance related to prohibiting entertainment devices. Chad stated that he heard that Council is trying to ban entertainment devices. Brad Bryan responded that the Village is not prohibiting entertainment devices, it is simply not going to license or regulate the entertainment devices. It will defer to the State laws pertaining to such devices. Brad stated that the Village doesn't have the expertise or financial resources to license and inspect them. Chad and Brad both agreed that money was received by both parties when Dusk Till' Dawn was open. Chad stated that all of the money that the business gave to Council and the city was not based on the ordinance at all. Brad stated that he disagrees. Brad stated that if the ordinance is adopted, the Village will have no licensing process and the licensing application fee would be returned, due to the fact that we are not approving or denying the application. Chad asked Council to approve the application. Brad stated that if the ordinance passes, the Village will not have an application process any more. Brad said that the state amended the gambling laws over the past year. Chad asked if that was the states job. Brad stated that is exactly why we are repealing our law and also stated that the Village's gambling laws mirror the State of Ohio's gambling laws.

The following people spoke in favor of Dusk Till' Dawn re-opening due to it being a social meeting place, where food and drinks were offered: Linda Culkins, Alona Cooper, Sharon, Dan Salerno, MaryAnn Cholik, John Kayetta, Jerry Mahoney, Loretta Ward, and Terri. Some pled the case of how workers lost their jobs, and others residents and non-residents stated how it was a social gathering place where they met friends. Others

made note of winning in raffles while they were there. Brad stated that to reiterate again, the Village did not close down Dusk Till' Dawn, the State of Ohio changed its laws and forced the business to close.

Chief Wentz stated that Attorney General DeWine declared it gambling. Chad asked if he could open tomorrow. Brad stated again, the Village is not giving permission to open or denying permission to open, it is removing itself from the licensing process. Chief Wentz stated that he is required to uphold the state laws.

Roy Donahue, resident at 160 Magnolia stated that the address across the street from his property, 166 Magnolia should be condemned. Roy stated that he is the only one in the neighborhood who weeds and cuts grass, no one else keeps up with their property. Roy said that 166 Magnolia's roof is caved in, no gutters, railings falling down and garbage cans sitting out. Roy asked why some people clean their properties and upkeep their houses. Lisa Rodriguez, administrative assistant to Mr. Walters stated that Jason Walters has violations on 166 Magnolia. Mr. Donahue asked about the ordinance on barking dogs.

Alan Hipps stated that we are removing our ordinance off of the books and turning it over to the state, so that we are not the ones regulating this. Alan stated that if Chad feels he is in compliance with the state and they give him the go ahead, we are not allowing or denying. Mr. Hipps said to Mr. Kayetta that DeWine makes the decisions. Nick Magistrelli also stated that the Village cannot change the law, for it to be changed you need to go to Columbus, we just abide by the State of Ohio's laws. Nick stated that this is present law and Chief Wentz said it best. Nick stated that he understands the social gathering, but we cannot go against the state and that we didn't create this law, we just abide by it.

**GUEST SPEAKER: NONE**

#### **REPORTS OF MUNICIPAL OFFICERS:**

**MAYOR JESSE J. NEHEZ** commended Jason Walters and the Service Department on the wonderful job they did on the Victory Lane project installing the water system.

Mayor stated that he and Chief Wentz have been in discussions regarding adding more personnel to the police department. Chief Wentz stated that he lost three part-time officers and needs to replace them. Mayor Nehez stated that he and Chief Wentz have always worked together regarding decisions within the police department whether in regards to hiring officers or equipment.

Nick Magistrelli asked Mayor Nehez where the complaint came from that we don't have enough officers on duty. Mayor Nehez stated that it was a call made to dispatch while at the same time the police were on a call at the Rocksino. Nick stated that he has never felt unsafe or ever felt we do not have enough officers on duty. Chief Wentz stated that even with mutual aid everyone is down in man power, and if we get tied up with something then we basically have no officer on the road, whether he puts that third officer on third shift to respond to the residents. Chief Wentz stated that the police have to take care of the Village as a whole. Gary Vojtush asked what the phone call was. Chief Wentz stated that a resident called dispatch around 5am in the morning about a parked car in front of their house, at the same time they were responding to a call at the Rocksino. The Mayor stated that he and Chief Wentz have constantly addressed this issue, they are concerned about the Village and also concerned about the residents. Chief Wentz stated he will not put officers on just for the sake of putting them on. Gary Vojtush agreed with Chief Wentz about putting the third officer on midnight and afternoon shift for the majority of the year.

**FINANCE DIRECTOR TIM CLYMER** reported that the 2015 tax budget Ordinance 2014-32 is on the agenda for consideration with Council this evening. Tim stated that the numbers are rough in the budget. Gary Vojtush asked Tim when the 2<sup>nd</sup> million came in and Tim respond about the end of April to early May.

**ENGINEER RICHARD WASOSKY**, was not at this meeting, will attend the July 9, 2014 meeting.

**LAW DIRECTOR BRADRIC BRYAN**, stated that he received the deeds for the lots on Heights from the County.

**E. DEPARTMENT HEADS:**

**1. Police Department, Chief Mark Wentz**, gave his report. (See attached) Linda Bowen made a motion to dispose of broken printer & broken chair for the police department, was seconded by Beatrice Greenlee and passed with 5 ayes.

**2. Fire Department, Fire Chief Jason Buss**, gave his report. (See attached) Stated there will be a fire and safety meeting to discuss equipment on July 7, 2014 @7:00pm. Mayor Nehez commended Chief Buss on receiving the grants and stated he is very proud of him, along with all of the departments.

**3. Service/Building Supervisor, Jason Walters**, was not in attendance at this meeting, will attend July 23<sup>rd</sup> meeting.

**REPORTS OF MUNICIPAL BOARDS AND COMMISSIONS:**

**A. PLANNING COMMISSION: ALAN HIPPS**, stated that the Planning Commission had met June 18, 2014 for discussions regarding a proposed gas station at Filly Ln and James Pl, which the lot cannot be built on and it didn't look favorable to give them variance and lots at the end of Chestnut and Summit. Looks like the lots will be divided and the house demolished at the discretion of the owner. Alan stated that is no planning commission meeting scheduled for July 2014.

**B. RECREATION BOARD: MAYOR NEHEZ**, said that they will be meeting July 3<sup>rd</sup> at 7:30pm.

**REPORTS OF STANDING COMMITTEES:**

**FINANCE: LINDA BOWEN**, asked Brad Bryan to read Ordinance 2014-33, pay ordinance for month of June 2014 for \$191,768.77. Tim explained that the pay number was high due to not including already approved contracts, debt service, utilities, road project previous approved in the past. So now they are showing in the monthly pay ordinance per Mrs. Bowen's suggestion. A motion was made by Linda Bowen and seconded by Nick Magistrelli and passed with 5 aye votes. Linda Bowen said that the next Finance Committee will be July 23, 2014 at 6:30p.

**ROADS/PUBLIC WORKS: ETHAN MILADINOVIC** was not present, Mr. Hipps had no report.

**HEALTH AND WELFARE: GARY VOJTUSH**, stated that next Tuesday he has a meeting with the health care provider for insurance information.

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

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

**FIRE AND SAFETY: BEATRICE GREENLEE** stated that there will be a fire and safety meeting on July 9, 2014 at 7:00pm.

**LEGISLATION:**

Brad Bryan read Ordinance 2014-15, which is on third reading, an emergency Ordinance establishing Chapter 869 of the codified ordinances relating to secondhand dealers. A motion to approve the amended ordinance was made by Beatrice Greenlee and seconded by Alan Hipps, carried with 5 ayes. A motion for passage was made by Beatrice Greenlee and seconded by Linda Bowen, passed with 5 aye votes.

Brad read 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. This was on third-reading tonight. Beatrice Greenlee made the motion and Alan Hipps seconded the motion. Gary Vojtush had questions about section 8 parts 3 & 4, to change the 1 acre limit and the time of being able to operate. A motion to withdraw passage was made by Beatrice Greenlee and seconded by Gary Vojtush, carried with 5 aye votes. Beatrice Greenlee asked if they could put this legislation into a work session on July 9<sup>th</sup>. Mr. Vojtush stated that he is on shift at his full time job and will contact Mrs. Greenlee to discuss a date and time. Beatrice stated that they will have the meeting July 9<sup>th</sup>. Brad stated that it would be helpful in the future to review these ordinances before they are on third-reading. Nick asked Gary to discuss after the meeting these types of vehicles since he is not familiar with them. Brad stated that this ordinance will be on third reading at the July 9<sup>th</sup> council meeting.

Brad read Ordinance 2014-30, an emergency Ordinance repealing chapter 804 of the codified ordinances relating to amusement devices, which is on third reading tonight. A motion to accept the amended version was made by Alan Hipps and seconded by Nick Magistrelli, carried with 5 ayes. A motion for passage was made by Nick Magistrelli and seconded by Alan Hipps, passed with 5 aye votes.

Brad read Resolution 2014-31, an emergency resolution authorizing the approval and adoption of the 2013 summit county hazard mitigation plan. A motion was made by Beatrice Greenlee and seconded by Nick Magistrelli to suspend the three-reading rule, carried with 5 ayes. A motion was made by Beatrice Greenlee and seconded by Nick Magistrelli for passage, carried with 5 ayes.

Brad read Resolution 2014-32, an emergency resolution approving the alternative tax budget for the Village of Northfield for the fiscal year beginning January 1, 2015 and authorizing the Director of Finance to submit same to the Summit County Fiscal Officer. A motion was made by Linda Bowen and seconded by Beatrice Greenlee to suspend the three-reading rule, carried with 5 ayes. A motion was made by Beatrice Greenlee and seconded by Linda Bowen for passage, carried with 5 ayes.

Brad read Resolution 2014-34, an emergency resolution authorizing the Mayor to enter into a cooperative agreement with the Village of Walton Hills, Village of Valley View, Township of Sagamore Hills, District One Public Works Integrating Committee, and Ohio Public Works Commission relating to certain Sagamore Road infrastructure improvements. A motion was made by Nick Magistrelli and seconded by Gary Vojtush to suspend the three-reading rule, carried with 5 ayes. A motion was made by Beatrice Greenlee and seconded by Nick Magistrelli for passage, carried with 5 ayes.

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

A motion for adjournment at 9:09 p.m. was made by Linda Bowen and seconded by Beatrice Greenlee and passed with 5 ayes.

Respectfully submitted by:

Attest:

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Beatrice Greenlee  
President of Council

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Lisa M. Rodriguez  
Clerk of Council