

The Village of Northfield

REGULAR COUNCIL MEETING

September 23, 2015

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

The Pledge of allegiance was led by Mayor Nehez.

ROLL CALL was read by Timothy Clymer. The following were present: Mayor Nehez, Councilpersons Linda Bowen, Alan Hipps, Nicholas Magistrelli, Gary Vojtush and Jim Daugherty. In addition, Law Director Brad Bryan, Engineer Richard Wasosky, Police Lt. Jamie Mackie, and Service Department Superintendent Jason Walters were present. Council President Beatrice Greenlee, Police Chief Mark Wentz, and Fire Chief Jason Buss were absent.

APPROVAL OF MINUTES: Finance Director Tim Clymer reported Lisa Thellmann was out of the office for a Mayor's Court Seminar the second half of last week and was not able to get the minutes of the September 9th Council Meeting typed up in time.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES:

Victor Milani wanted to respond to quotes that were attributed to him. Mr. Milani first asked if Friday was a holiday in Northfield. He claimed he tried to come to town hall and no one was there. Brad Bryan stated no, it was not a holiday. Tim Clymer was not working and Lisa Thellmann was in Columbus at a seminar. There was a sign in the window and anyone that needed anything could go to 199 Ledge Road to receive assistance from Lisa Rodriguez. Mr. Milani asked about a quote attributed to the amount of Police that were present in 2011 and 2015. Mr. Milani said he asked Chief Wentz for the same public records request that Mayor Nehez's mother or Aunt asked for. Mr. Milani asked Lt. Jamie Mackie to read the last two sentences of the response to the request. Lt. Mackie read the public records request (dated 9/11/2015) response stating that same ratio is in place. We had 10 full-time and 8 part-time officers in the beginning of 2011 and have 10 full time and 8 part-time officers now. Mr. Milani asked Lt. Mackie if he interprets that as we have the same amount of police in 2011 as we currently have. Lt. Mackie advised according to what the Chief has on this paper, yes. Mr. Milani brought this up because it was said there were more Police added and this clears up that there were not more Police added. The bodies may have changed, but the numbers haven't. Mr. Milani said another quote that was brought up at the September 9th meeting was that Ledge Road was never approached by the Milani administration as far as being done, roads, sidewalks and such. Mr. Milani said Councilwoman Bowen was there at the time and advised they queried doing Ledge Road, but the money was never available. Mayor Nehez he said he believes in the literature it says sidewalks, not roads. Mr. Milani responded to get to the sidewalks you have to do the roads first. He stated we used permissible license tax to do as much as we could, but Sagamore and Houghton Road were more important to do at that time. Mr. Milani stated unfortunately he did not have the millions of dollars that have been granted to Mayor Nehez, and he did as much as he could. He feels he was rather prudent and had to have priorities. Mr. Milani asked if he has any time left to reserve it for the end of the meeting. Brad Bryan said it does not work that way. His time to talk is now. Mr. Milani said according to Roberts Rules it does. Brad said the Village Ordinance states that this part of the meeting is the time for public comments and now is the time for him to talk. Roberts Rules of Order do not trump the Ordinance in this instance. Mr. Milani said Roberts Rules supersedes that. Mr. Bryan told Mr. Milani that he was not correct on that issue, and Mr. Milani was advised his five minutes are up.

Theresa Schlosser stated she had a meeting with Mayor Nehez about being held hostage, raped repeatedly, and a victim of domestic violence. Ms. Schlosser asked if Mayor Nehez ever contacted Police Chief Mark Wentz about this. Mayor Nehez stated that he did, and he also advised the Law Director. Ms. Schlosser

thanked Mr. Bryan for what he sent to her and his response to her. Ms. Schlosser advised she cannot leave her house, she has post-traumatic stress disorder, and she feels she was treated horribly by the Police. Theresa said she was treated kindly by Chief Wentz when he finally met with her. Theresa wants to know if you have documentation by the Police that Law Director Brad Bryan sent her and its lies. She was never interviewed and the abuser walked away. Ms. Schlosser said she got a letter from Brad saying it was consensual. Brad stated that she did not get a letter from him saying that. There was simply a statement in the police report stating that it could not be proven that the activity was not consensual. Theresa said the Police report is lies. No one has ever talked to her. Brad Bryan said she was interviewed by the police on multiple occasions, and there were police reports and videos supporting that fact. Mr. Bryan stated he did ultimately direct the case to be closed. It is his job to decide if prosecutions should go forward or not. Theresa said Lt. Mackie was also supposed to get back to her and he never did. Lt. Mackie said that was because she switched gears and went to Chief Wentz, and we don't do that, we don't cross paths. Lt. Mackie said when you start talking to other people about the same thing there are mis-communications and confusion can occur and we don't do that to each other down stairs. He backed out of it because she had several other officers involved. Theresa said again that no one has ever interviewed her. Ms. Schlosser was advised her time is up.

Brad Bryan responded to Theresa Schlosser's comments, advising they have spoken several times over the last few years, going back to when the report was first made. He stated to Ms. Schlosser that she did make a complaint to the officers, and they did report what you told them. Brad explained his job, based on the Police investigation is to determine whether charges should be issued. In order for that to happen, we need to be able to have a good faith belief, based upon the evidence in the case, that we can prove a case to the degree of the beyond a reasonable doubt standard. Brad stated he does not know what went on, that was between her and her husband. It is a very serious crime to accuse someone of, and they did not move forward with charges because he did not believe that the case could be proven beyond a reasonable doubt.

Liz McKinley announced she is running for Nordonia Hills School Board and thanked everyone for signing her petition so she can be on the November 3 ballot. Ms. McKinley stated she lives in Macedonia, is married (Sean), and has four children. Her three oldest children attend the High School, Middle School, and Ledgeview Elementary. Her youngest, who is three, will join the Nordonia Hills Family in due time. Ms. McKinley stated she holds fifteen years of educational experience and a Masters degree in curriculum and instruction. Over the years, she has been involved in many committees such as safety, report cards, math, science, as well as building leadership. Ms. McKinley believes the School Board needs a member that has a solid understanding of educational policy, curricular and structural design, and twenty first century learning. She has a strong background and knowledge in these areas and will better equip our school board to offer more oversight. This November 3, our school community will be asked to vote on individuals to lead our school district forward. Ms. McKinley also stated she believes those elected need to create a balance of knowledge and skills that will drive Nordonia Hills in a positive direction, offering strong academic opportunity while being fiscally responsible and undeniably transparent. Liz McKinley asked everyone for their vote on November 3.

Regina Taussig wanted to state for the record that since Mr. Milani always is complaining that he never had any money to do roads or sidewalks, there were many state of Ohio zero percent loans taken out during his administration totaling \$3.249 million dollars. We still owe over 2 million dollars, which will not be paid until the year 2038. Mr. Milani announced this is the Mayor's aunt. She said she is, and she is also his campaign manager. Mr. Milani asked Village Engineer Rich Wasosky whether we had any other option available except the zero interest loans. Rich responded stating that the monies we borrowed literally were the only option. We could not get grant money for the roads. It was impossible for us to get grant money for any of those roads we did. Rich stated we did score enough points to get loan money. All the loans we got were zero interest loans and all but one were 20 year loans. For one road, we got a 30 year loan at zero interest. Ms. Taussig stated that long term debt is still long term debt, no matter how much interest you pay. Mr. Milani stated we had no choice, either watch the roads crumble or fix them, we didn't have the six million dollars that your nephew had. Mayor Nehez and Mrs. Taussig said six million? Mr. Milani stated since the Hard Rock opened- Brad Bryan

advised Mr. Milani he had his time to speak. Regina Taussig went on to say that funds were available and advised Victor Milani that he has some problems with his campaign literature also.

REPORTS OF MUNICIPAL OFFICERS:

MAYOR JESSE J. NEHEZ - No Report.

FINANCE DIRECTOR TIM CLYMER - Report attached.

Councilman Daugherty asked Mr. Clymer if the payment to Perrin is the final payment, Tim advised it is not; there is one more payment. Councilman Vojtush asked about July and August reconciliations and when will Council get them. Tim advised we have an issue with the software, with the way the pensions are posting in July, and he may have someone come in on a volunteer basis to help work on that. Tim advised he will try to have it done by the next meeting. Councilman Vojtush also asked about the repair on the front end loader? Jason Walters said it was the radiator.

ENGINEER RICHARD WASOSKY - Report attached. Councilman Daugherty asked about the curbs on Heights and if we are going to put a small deflector curb around the basins. Rich said yes, just around the basins because there is no curb on Magnolia. Councilman Vojtush thanked Rich for the time he spent with them at a meeting last night. He and Jason (Walters) opened their eyes to a lot of things with this. Councilman Vojtush would like to make a motion for Council to put this project on the agenda tonight so we can go forward with it. He also mentioned a letter from Tim Clymer cautioning them on what they are doing- stating we are looking at a possibility of \$629,000 for carryover - the only question he has is that first \$500,000 payment from the race track - if we don't receive that this year before the end of the year- we will only end up carrying over a little over \$100,000. That is the only caution he would like to add, but he would like to see the project go forward. Councilman Magistrelli said Tim wants to keep the money in there this year, and as Gary pointed out, that will bring our carry over pretty low, scary low. And we don't know when the other \$500,000 is coming in. His question to Rich is if this doesn't get passed now, what are we looking at? Maybe a 5% increase next year? Councilman Magistrelli said 5% may seem like a lot, but when he sees a carryover like this, and they are being warned by the Finance Director, it makes him nervous. Rich stated he can't give a number of how much it will increase next year. Brad Bryan stated that the \$500,000 by law has to be in by December 31. Traditionally, the two earlier payments from the State we did not get by the exact deadline. The first one was about a week late, and the second payment was two or three days late. As far as the payment from the State, he is confident we will get it no later than within a few days after the first of the year. If we don't, as Councilman Magistrelli pointed out, that affects the carry over, but as far as the Village's ability to function and cash flow, if you're getting it the next week that really does not affect anything. Mr. Bryan stated as Tim Clymer has cautioned, spending money on this project is going to take away from what is available for road projects next year. The other \$250,000 check is coming from the Rocksino, not from the State. Councilman Magistrelli stated he just hates to see our carryover go that low. We have worked so hard to keep it going and keep it up to where we are supposed to be or close to that. In Tim's letter, he is cautioning us to watch how we do this although Tim also says he is comfortable with going forward with the project if that is what Council wants to do. Tim Clymer stated that we can afford it. Even if the carryover dropped to \$130,000 for the start of next year, you could make due with the CCA payments, the income tax payments that come in regularly. He does not see a problem being able to get by if this project is done. If the half million does not come in by the end of the year, he is cautioning you, because your capital dollars will be limited. He wants you to understand that this needs to be a priority if this is something you are going to do. Councilman Magistrelli advised he is concerned about the carryover and that everyone should be concerned. We have a lot of plans for projects, but we don't want to hit a wall. Councilman Magistrelli understands the roads need repaired. The right decision just needs to be made. Councilman Daugherty stated they did talk about this in the meeting last night. He is concerned as well. It is a

big factor, and the roads need done, especially Heights. It is going to crumble when they put a plow on it. Considering what Tim says, the funds are there, and he feels safe to say that we will be okay. We are banking on Tim. Councilwoman Bowen asked what if something major happens and we have to spend a million dollars? Then we're in trouble. Tim Clymer responded every community is facing challenges funding their capital needs. You are in a position where you are able to do something. It just a matter of making sure your priorities are in line with your plans.

LAW DIRECTOR BRADRIC BRYAN- Requested Acceptance of the Mayors Court disbursement for August, 2015 totaling \$17,555.96 (report attached). Motion for acceptance made by Councilwoman Bowen, seconded by Councilman Vojtush. All in favor, zero opposed.

Brad reported he received a draft of an agreement from Summit County to provide animal control services to the Village. This request has been sent to the Village by the County approximately every two years over the last eight year period. In the past, Council has declined to enter into the proposed agreement. It is a five year agreement where the County would trap dogs and cats at large, transport them, and seize and trap other animals when people call them. The Village gets the bill of \$40 per animal, \$20 per hour man hour, \$10 per day housing, and \$40 for euthanasia or disposal of the animal. This agreement would allow the residents to call when there is an animal problem, and the Village is billed. At this time, if a resident calls with an animal problem, they are given a private company's phone number so they can take care of the problem at their own expense. Councilman Vojtush asked how many calls do we get for that? Jason Walters stated per day, several, and if we entered into the contract, there would be no end to it. The problem is it is any animal and there is no way to budget for it. Councilman Daugherty asked Lt. Mackie if the residents can trap the raccoons themselves. Lt. Mackie said he will look in to it, but the relocation of the animal once you trap it is a problem. There are many prohibited acts as far as taking the animal across county lines, and there are many things to look into with that. Most animals need to be euthanized because they become trap shy after they become trapped the first time. You will not trap them a second time. Jason Walters stated the last he knew you cannot relocate an animal. They have to be euthanized.

Brad also reported the Ohio Supreme Court issued its ruling in the Northeast Ohio Regional Sewer District storm water fee case on September 15, 2015. The Court overturned the Eighth District Court of Appeals decision stating that the storm water fee was improper and couldn't be charged. The Supreme Court now says the Northeast Ohio Regional Sewer District, of which we are a member, can charge the fee. The residents will be receiving those bills sometime in the future. The bills will be approximately \$60 per year, depending on the size of your house. Councilman Hipps said they are actually taxing for the surface on your property that is paved where water cannot soak into. You can mitigate some of the bill by disconnecting your downspouts by approved means such as rain barrels and rain gardens. There are things you can do to credit some of the bill if you sign up for their program. Brad stated that residents who want to do that must submit a plan to the Village that needs to be approved by the Village Engineer. The Engineer has to be sure it is not causing water problems for someone else's property. Once the plan is approved by the Engineer, the resident can then file an application with the Sewer District to receive the credit. Businesses will pay more depending on the size of their properties. Councilman Vojtush asked Rich if he has a list of what residents can do to their homes so they can receive these credits. Brad said rain barrels. Rich said he has flyers published by the Regional Sewer District that gives you the application form and everything you need.

Brad Bryan also reported sometime next month, everyone will get a draft of the new Village tax ordinance that is required because of the changes mandated by State Law. It will not change tax rates, what is coming in or going out, or what is owed, but there are certain State Law changes as to when estimated tax payments need to be made and all of the procedures. It will be effective January 1, 2016. We will need to adopt this prior to that date so we are in compliance with State Law.

DEPARTMENT HEADS:

Police Department, Chief Mark Wentz- (Report attached) Lt. Mackie announced as of September 21, the Police Department was awarded the COPS grant. Frigate night will be held October 31 in the Police garage. Councilman Vojtush congratulated the Police Department on the grant. Councilman Daugherty asked for an update on the new cruiser. Lt. Mackie has not heard any updates. As far as he knows, everything is still on time.

Fire Department, Fire Chief Jason Buss- No report.

Service/Building Superintendent, Jason Walters- Jason addressed the seasonal part-timer becoming a regular part-time Service Department worker due to the cut in hours by John Debrouse. Jason advised he does not want to get rid of John. He is just not able to work many hours due to his full-time job. Jason also advised he has cut the part-time workers' hours due to the fact they are running out of hours they are allowed to work.

REPORTS OF MUNICIPAL BOARDS AND COMMISSIONS:

PLANNING COMMISSION, ALAN HIPPS- Mr. Hipps reported that the Planning Commission met on September 16. The Planning Commission recommends to Council that the lot split for the property on Rosewood Ave. be approved.

RECREATION BOARD, MAYOR NEHEZ- Mayor Nehez announced that the Board will meet on October 1 at 7:30 at Village Hall.

CEMETERY BOARD, BEATRICE GREENLEE- No report.

REPORTS OF STANDING COMMITTEES:

FINANCE: LINDA BOWEN- Next meeting will be October 28 at 6:30. Councilwoman Bowen asked Brad Bryan to read the pay resolution.

Resolution 2015-64, An Emergency Resolution Approving the payment of the bills for the month of September, 2015 in the amount of \$344,369.48. Motion for approval was made by Councilwoman Bowen, seconded by Councilman Magistrelli. All in favor, zero opposed, motion passed.

ROADS AND PUBLIC WORKS: JIM DAUGHERTY- Mr. Daugherty reported that a meeting of the committee was held yesterday about Heights, Magnolia, and Elm.

Motion to put resolution 2015-68 on tonight's agenda

Resolution 2015-68- An Emergency Resolution accepting the bid of Chagrin Valley Paving Inc. Motion was made by Councilman Vojtush and seconded by Councilman Daugherty. All in favor, zero opposed. Motion to suspend the three reading rule by Councilman Daugherty, seconded by Councilman Vojtush. All in favor, zero opposed. Motion for passage by Councilman Daugherty, seconded by Councilman Vojtush. All in favor, zero opposed. Resolution passed.

HEALTH AND WELFARE: GARY VOJTUSH - No report.

WAGES AND WORKING CONDITIONS: NICHOLAS MAGISTRELLI- No report.

FIRE AND SAFETY: BEATRICE GREENLEE- No report.

BUILDINGS & GROUNDS: ALAN HIPPS- No report.

LEGISLATION

A Proclamation recognizing the Month of September as Prostate Cancer Awareness Month.

Motion to adopt this proclamation by Councilwoman Bowen, seconded by Councilman Magistrelli. All in favor, zero opposed. Proclamation Adopted.

Resolution 2015-59, An Emergency Resolution Confirming the Decision of the Planning Commission to Approve the Lot Consolidation and Split Requested by Kraftech, Inc. for Lots Located on Rosewood Ave. A motion to confirm the recommendation of the Planning Commission and grant the lot split as requested by Kraftech. Motion made by Councilman Vojtush, seconded by Councilman Hipps. All in favor, zero opposed, motion passed.

Resolution 2015-60, An Emergency Resolution Pertaining to the Compensation for the Position of Director of Finance. This Resolution was put on first reading with the second reading to take place at the next council meeting.

Resolution 2015-61, An Emergency Resolution Confirming the Mayor's Appointment of Lawrence Schilk as a Part-Time Employee with the Service Department. Motion to suspend the three reading rule made by Councilman Magistrelli, seconded by Councilwoman Bowen. All in favor, zero opposed. Motion for passage made by Councilwoman Bowen, seconded by Councilman Daugherty. All in favor of passage, zero opposed, motion passed.

Resolution 2015-62, An Emergency Resolution Accepting the Amounts and Rates as Determined by the Summit County Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the Fiscal Officer. Motion to suspend the three reading rule made by Councilman Magistrelli, seconded by Councilwoman Bowen. All in favor, zero opposed. Motion for passage made by Councilwoman Bowen, seconded by Councilman Hipps. All in favor of approval, zero opposed, motion passed.

Resolution 2015-63, An Emergency Resolution Requesting the Summit County Fiscal Officer, in the Year 2016, to Advance to the Village Monies to which the Village is Entitled from the Proceeds of Tax Levies for the Tax Year 2015. Motion to suspend the three reading rule was made by Councilman Magistrelli, seconded by Councilman Vojtush. All in favor, zero opposed. Motion for passage made by Councilwoman Bowen, seconded by Councilman Hipps. All in favor, zero opposed, motion passed.

Ordinance 2015-65, An Emergency Ordinance Amending Chapter 410 of the Traffic Code Relating to Impounding of Vehicles. This Ordinance was placed on first reading with the second reading to take place at the next Council meeting.

Ordinance 2015-66, An Emergency Ordinance Amending Section 432.38 of the Traffic Code Relating to Shortcutting across Private Property. This Ordinance was placed on first reading with the second reading to take place at the next Council meeting.

Ordinance 2015-67, An Emergency Ordinance Amending Section 660.07 of the Codified Ordinances Relating to the Storage of Junk Motor Vehicles, Unlicensed Collector's Vehicles, and other Vehicles. This Ordinance was placed on first reading with the second reading to take place at the next Council meeting.

OLD BUSINESS; NEW BUSINESS; ANNOUNCEMENTS

Councilman Vojtush reported he will be asking the Police Department to do a complete and unbiased investigation of a matter involving phone calls and harassing and threatening by an officer responding to a home over a political sign in a Council member's front yard.

ADJOURNMENT - A motion for adjournment was made by Councilwoman Bowen, seconded by Councilman Magistrelli. All in favor, zero opposed, motion passed. Adjournment at 9:07 p.m.

Respectfully submitted by:

Timothy Clymer
Clerk of Council