

# The Village of Northfield

## REGULAR COUNCIL MEETING

November 22, 2010

Mayor Milani called the meeting to order at 7:33PM following the Pledge of Allegiance. The roll was called by Robert Riedel with the following present: Mrs. Greenlee, Mrs. Selle, Mr. Nehez, Mr. Bolek and Mrs. Bowen. Mr. Noack was absent. Law Director Brad Bryan, Fire Chief Gary Vojtush and Service and Building Department Superintendent Jason Walters were present.

A motion to amend the minutes of the November 11, 2010 Regular Council meeting, made by Mr. Bolek and seconded by Mr. Nehez. Motion to approve made by Mr. Bolek and seconded by Mr. Nehez. The motion carried with 5 ayes.

There was no business of petitions, remonstrances or memorials.

Mayor Milani met last Saturday with the representatives of a large retail outlet who would like to relocate in Northeast Ohio and the meeting went well. They would like to move into a location by the middle of 2011 and we are in the running with three or four other towns around us, need roughly 200,000 sq. ft. and the Plaza said they will make that much available, we are in the talking phases. Mayor Milani said that he left the meeting with a positive attitude about this because they have been calling the Mayor and Plaza Management, so Mayor Milani feels that this is just more than a casual interest.

Finance Director, Robert Riedel asked for a motion to accept the Mayor's Court Report for October 2010 as submitted. Mrs. Bowen made the motion and was seconded by Mrs. Greenlee, it carried with 5 ayes.

Law Director Brad Bryan had no report. Mr. Nehez asked Mr. Bryan what has been going on with the Plaza and have we sighted them yet. Mr. Bryan said that next Monday is their deadline, and Mr. Walters said they have done some painting, Mr. Bryan said they didn't do anything with the signs yet or the garbage behind Big Lots and also Mr. Walters said that the worse one is in the area behind the Dollar store. Mr. Nehez said he doesn't understand why they just can get a dumpster and throw away everything. Mr. Bolek asked how May Ave is coming along, and Mayor Milani said from what he knows it is in the hands of a bank. Mrs. Selle said she thought someone bought it. Mayor Milani said the bank bought it, Mr. Walters did his inspection and nothing has been done there and the banks have been trading it. Mr. Walters said that they got a letter from the County again and said he spoke with the County and they told them to start with the list of things to fix and they will go from there. Mr. Walters said this will be a process and it has been four years so. Mr. Nehez asked if that was the same thing with the house on Milford with the tarp on the roof, and Mr. Walters said that that property is in limbo, no one is taking responsibility there. Mr. Bolek asked if delinquent property taxes were owed and Mr. Walters said he wasn't sure. Mr. Bolek said if you go to the county, you pay the delinquent property tax and you own the house and then we can tear it down. Mr. Walters said that is only if it goes to Sheriff's sale and Mr. Bryan said if they auction the property off and Mr. Walters said it isn't to that point yet. Mr. Walters said if you go to the county website it still lists the previous owner.

Fire Chief Vojtush said that Northfield Business Center was inspected today and they should be applying for the occupancy soon.

Councilman Noack arrived at 7:43p.m.

Service and Building Department Superintendent Jason Walters gave his report. (see attached) Mrs. Greenlee said that Mr. Urich is very happy with the work that was done at his property. Mayor Milani said he spoke with Rich Wasosky and the Village did receive a loan for the May Ave project of \$715,000. Mr. Bolek asked how much would a leaf machine cost and Mr. Walters said around \$30,000. Mr. Nehez asked if there are any recycling grants available to use for this purchase and Mr. Walters said they used to have grants for leaf machines and chippers but they don't have them any more. Mr. Bolek asked how much to replace that truck and Mr. Walters said in the \$80,000 range. Mr. Bolek said what about a used one, Mr. Walters said that there are used ones there but you are buying the same kind of problem that you have. Mr. Nehez would it be better to get a bigger leaf machine to save time and can pick up more leaves. Mr. Walters said bigger leaf machine, you need a bigger truck and the biggest truck we have is setup for snow plowing only and it is a stick shift which isn't good for stop and go with leaf pickup. Mr. Walters said there are three sizes and we have the smallest size and when you get into the big sizes the cost is almost double. Mr. Walters said that they dump at Greenline and the turnaround is pretty fast and he thinks money wise it is better to stay where we are at. Mr. Bolek asked how many days this year that have used the sewer jet machine. Mr. Walters said he didn't know how many days, Mr. Bolek said 5 days, 20 days, and Mr. Walters said 20 days at minimum. Mr. Bolek asked is there a way to let another community pay us to use the sewer jet to make some revenue. Mr. Walters said no he is against it, and there is a lot to that truck and the classes that we went through, you can get killed using that truck. Mr. Nehez said that would be more trouble than it is worth. Mr. Walters said in certain situations you can help other communities. Mr. Bolek said that Mr. Walters just doesn't see that is possible, but it is a \$160,000 machine that we are not using a lot. Mr. Walters said we are using it, and we

could have called AKE to do the work, and Mr. Riedel said each time it was a couple thousand dollars when time AKE was called to do work. Mr. Walters said he would like to get to the point of using it two – three days per week. Mr. Bolek said that if Mr. Walters had two or three more guys, and Mr. Walters said it takes four guys to run the machine. Mr. Nehez asked how the heating has been at the service garage and Mr. Walters said they are seeing a difference. West Roofing systems said that the \$2,700 roof is for a flat roof with no gravel, it is a fiber roof which needs to be coated but the gravel is in good shape, and the one year maintenance agreement is for the entire roof. The loose roof areas will be inspected if the problems exist and West Roofing Systems feels that the blister will cause a leak within a 12 month period, they will be repaired but that can not exceed 1% of the roof area. It costs \$500 to do the work and it would be a two day at most. The warranty covers their labor and installing it properly. Mr. Nehez asked where the bad part of the roof is and Mr. Walters said the council section and over the garage. Mr. Bryan said it sounds like you are getting a good deal of maintenance but the warranty is not going to be really worth a lot. Mr. Walters said that the warranty is good for the work that they do, so if they don't put it down right it is warranted. Mr. Nehez said he was very impressed with their quote and package.

Mrs. Greenlee of the Planning commission had no report.

Mrs. Bowen of the Finance committee had Law Director Brad Bryan read Ordinance 2010-68, an Emergency Ordinance approving the payment of bills for the month of November, 2010. Mrs. Bowen made the motion and it was seconded by Mr. Bolek. It carrier with 6 ayes. Mrs. Bowen said that there will be a Finance meeting on December 29, 2010 at 6:30p.m.

Mr. Noack of the Road and Public Works Committee had no report.

Mrs. Selle of the Health and Welfare Committee had no report.

Mr. Nehez of the Building and Grounds Committee said he would like to have a meeting in the near future to discuss signage and architecture in the Village.

Mr. Bolek of Wages and Working said that it is his understanding that they will not be negotiating the contract with the Village Police Department so there appears to be no pending need for negotiations at this point so there will be no future Wages and Working committee meetings in the next week. Mayor Milani said the report that he is getting from the police department is that they are going to ask for a one year extension of their current contract, but Mayor Milani said that he hasn't received the paperwork yet but that is the indication that he has been told. Mr. Bolek asked Mayor Milani to let Council know as soon as he has something in writing, and Mayor Milani said yes.

Mrs. Greenlee of the Fire and Safety committee gave her report. (See attached). Mrs. Greenlee asked Mr. Riedel when we would be purchasing the new police cruiser and Mr. Riedel said this year according to Sgt. Zolcus. Mr. Riedel said if we get it this year we will change some appropriations at the next council meeting anyhow. Mr. Riedel said that if the cruiser comes in the Chief Wentz is going to up his wages and it will balance itself out and we will have to put up \$6,000 or \$7,000 in capital to offset. Mr. Bolek said at this point we are not going to finance it we are just going to pay it and Mr. Riedel said yes. Mrs. Greenlee asked to have it be a first reading tonight and then put on the agenda for a second reading with the changes that were discussed. Mrs. Greenlee asked Fire Chief Vojtush if Verizon has fixed the mixup on the modem on the ambulance and Chief Vojtush said they said they are working on it but as of now it still isn't working. Mayor Milani presented Chief Vojtush with a American Red Cross of Greater Cleveland Hero award. Mr. Bolek said that we have received some new pads for our AED for the cruiser and he asked Sgt. Zolcus to look into the pediatric pads because you cannot use an adult pad on pediatric or a pediatric pad on an adult. Mr. Bolek said that we only need to have one set of pediatric pads because you do have about a four minute window and if the cruiser is in the community they can get a car to someones house in this Village quickly. Mr. Bolek said that the police are going to look into the cost and it shouldn't be much at all but it would be good to have one set that is viable and they expire every 18 months. Mr. Riedel said that Chief Vojtush gets them for free and could give some to the police department. Chief Vojtush said as long as they are the same ones that they use in the squad then he can get them. Mr. Bolek asked the police department how often they check them and they said that they check them per shift, so they know that they are working every eight hours.

Law Director Brad Bryan read Ordinance 2010-35, emergency Ordinance amending Chapters 804 and 892 of the codified ordinances relating to amusement devices on a second reading. A motion to suspend the three-reading rule was made by Mrs. Bowen and seconded by Mr. Bolek. A motion for passage was made by Mrs. Greenlee and seconded by Mrs. Bowen and passed with 6 aye votes. Brad Bryan read Ordinance 2010-64, emergency Resolution authorizing the Mayor to enter into a loan agreement with Key Government Finance, Inc. in connection with the purchase of the Pierce 1500 GPM fire truck. A motion to suspend the three-reading rule was made by Mrs. Greenlee and seconded by Mrs. Bowen. A motion for passage was made by Mrs. Greenlee and seconded by Mrs. Bowen and passed with 6 aye votes. Brad Bryan read Ordinance 2010-65, emergency Ordinance amending Chapter 1060 of the codified ordinances pertaining to garbage and rubbish collection and disposal. A

motion to suspend the three-reading rule was made by Mr. Bolek and seconded by Mrs. Selle. A motion for passage was made by Mrs. Greenlee and seconded by Mrs. Selle and passed with 6 aye votes. Mr. Bolek asked Mr. Bryan how long it takes for this ordinance to go into effect and Mr. Bryan said immediately. Brad Bryan read Ordinance 2010-66, emergency Resolution authorizing the Mayor, Finance Director and the Law Director to renew the Village's agreement with the legal defenders office of Summit County, Ohio for indigent representation in Stow Municipal Court. A motion to suspend the three-reading rule was made by Mr. Bolek and seconded by Mrs. Greenlee. A motion for passage was made by Mr. Bolek and seconded by Mrs. Selle and passed with 6 aye votes. Brad Bryan read Ordinance 2010-67, emergency Ordinance amending Chapter 1420 and establishing Chapter 1422 and 1424 of the codified ordinances pertaining to commercial, industrial and multi-family building inspections and maintenance standards. A motion to suspend the three-reading rule was made by Mr. Nehez and seconded by Mr. Noack. A motion for passage was made by Mr. Bolek and seconded by Mrs. Selle and passed with 6 aye votes. Mr. Nehez said that he did speak with Mr. Bryan regarding this ordinance and the weeds are in this ordinance.

There was no old business.

In the new business, Mrs. Greenlee said that Diane Giacom from the Rocky Hill Web Designs said that if we have any corrections that need made to the Village website to get them in now, because there will be no charge until the January 2011. Chief Vojtush said that he discussed with Lisa Rodriguez this morning on putting the pictures up of the new fire truck being built on the website and Mr. Nehez said that it is a great idea. Mr. Bolek said that he would like to make a motion to vote on section 4.15, censure of the Village of Northfield which would be Ordinance 2010-69. Mr. Bryan asked if it was on the agenda and Mr. Bolek said according to the Charter it is to be brought up at a meeting of Council and he said he submitted the resolution to the Mayor over a month ago. Mr. Bryan said it is not on the agenda and he doesn't think that it needs to be done in ordinance form, but if you want to make a motion to that fact, but it has to have the specific reasons you are asking to censure. Mr. Bryan asked Mr. Bolek to explain his reasons. Mr. Bolek said that the charter of Northfield Village states that Council can formerly censure a colleague for being absent for 25 percent or more of the regularly scheduled meetings in a 12 month period. Mr. Bolek said that councilperson Noack from Ward C has now been absent from 31.8% of the meetings and has missed seven of the twenty-two meetings, and to date this meeting today is the last meeting of the year for Council since we start December 1<sup>st</sup>. Mr. Bolek said therefore he has violated the 25% rule and seven meetings is 3 ½ months wages which is \$1,5026.40 that he has missed of his pay and therefore this legislation would subject for failure to be present for more than 75% of the meetings as in the Charter, Mr. Bolek said that in the Charter it also states that the pro-tem of Council shall schedule within 15 days a special meeting of Council open to the public to hear testimony supporting this motion in which Mr. Noack has the opportunity to cross-examine all witnesses and present his defense and then censure vote will take place in open Council at a regularly scheduled meeting or during a special meeting called and it takes four votes to censure a councilperson. Mr. Bryan said just to clarify, Mr. Bolek is making a motion to censure councilman Noack for being absent for more than 25% of the meetings, but this also says that the absences have to be without just cause and so we have to clarify if that is a criteria. Mr. Bryan said that the procedure would be that we need a second to Mr. Bolek's motion, then you can have discussion, and then there needs to be four people voting in favor to move on to the next part of the process which Mr. Bryan would have to draft written charges and present them to Mr. Noack, a meeting would have to be scheduled within 15 days and he would have a chance to respond and we would go forward from there. Mr. Bryan said just to clarify, it has to be missing the meetings with out just cause and Mr. Noack stated at the last meeting discussed his health problems and issues and he stated that was the reason he had missed several meetings. Mr. Bryan asked for a second to the motion, there was lack of a second motion so the motion failed. Mr. Noack said that he has been sick and he is sick tonight but still made it to the meeting tonight. Mr. Noack said that as some people know since he has had his gastric bypass in 2005 he gets sick real easy and just stays in the house and feels very sick, he said he didn't almost make the meeting tonight but he did. Mr. Noack said that he has called the Mayor saying he will be at the meetings and then gets sick and that is why he has missed some of these meetings. Mr. Noack said he doesn't want to be kicked off of Council, that he loves being on Council, and he takes care of his Ward C people when they call him. Mr. Noack pleaded with Council to not kick him off of Council since he loves it so much. Mr. Bolek said that is never the intent of this legislation nor is it provided in the Charter to kick you off Council, the only reason you would be kicked off of Council would be if you didn't show up for six months, which is a law that would go in front of a probate judge so a tax payer could file a complaint and have you removed from office if you choose to not show up for six months in a row straight. Mr. Bolek said that the point is that we want Mr. Noack here, and 3 ½ months in a year is a ton of time and you gotta be here. Mr. Bolek said that we do understand that you have some health issues, and Mr. Bolek said that he had the same procedure as Mr. Noack and he said yes there are days that he doesn't feel good but none the less that is a lot of money that was being paid to you and you are not here and I felt that since it is in the Charter, voted on by the public that they want this to happen when someone doesn't show up for more than 25% of the meetings. Mr. Bolek said that Mr. Noack has exceeded that 25% and that is a difficult standard to miss 25% of the meetings and 31% is intolerable and unacceptable. Mr. Bolek said that Mr. Noack owes the tax payers who voted for you to be here, and no one wants Mr. Noack off of Council because when Mr. Noack is here he does a great job and they want to see that, but Mr. Noack has to be here. Mr. Bolek said that if Mr. Noack needs a ride for him to call and Mr. Bolek will pick him up. Mr. Noack thanked Mr. Bolek.

The meeting was adjourned at 8:25PM following a motion by Mrs. Greenlee and seconded by Mrs. Bowen. The motion carried with 6 ayes.

Respectfully Submitted by; \_\_\_\_\_  
Lisa M. Rodriguez, Administrative Clerk

Attest:

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President of Council

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Clerk of Council