

# The Village of Northfield

## REGULAR COUNCIL MEETING

December 9, 2015

The meeting was called to order by Mayor, Jesse J. Nehez at 7:31 p.m.

The Pledge of allegiance was led by Mayor Nehez.

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

### **APPROVAL OF MINUTES:**

Mayor Nehez asked for approval of the minutes from November 23, 2015. Motion by Councilwoman Bowen, seconded by Councilman Daugherty. All in favor, zero opposed. Minutes approved.

A Proclamation was presented to Dave Everett for his retirement from the Northfield Village Fire Department after 14 years.

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

Michael Belkin from Live Nation came to talk about Resolution 2015-74 asking to keep the tax rate at 3%.

Charlotte Bowser, a 47 year resident of the Village, expressed her interest to take Councilman Vojtush's Ward Council seat that will become vacant after the first of the year.

Nick Latonia thanked Dave Everett for his service to the Village.

Renell Noack wanted to express her concern about the recent raise given to the Finance Director. She thanked the two Council members who listened to the residents and tried to table the raise, but she is disappointed it passed. She stated the Finance Director is leaving for what he said was personal reasons, but now, the News Leader reported he was hired in Aurora.

Mayor Nehez stated that the resolution was on three readings, and they took action on the third reading. Brad Bryan stated that at the time Tim Clymer resigned, he had not yet been offered the job in Aurora and did not think he was still in consideration for the position. The job offer from Aurora was something that just came up in the past week.

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

**MAYOR JESSE J. NEHEZ** – The Mayor stated he is still working on a large donation for the Village. The donor should get back to him later this week.

**FINANCE DIRECTOR TIM CLYMER** - Mr. Clymer was absent but did have a report. Report attached.

**ENGINEER RICHARD WASOSKY** - Report attached.

Councilman Vojtush advised he was contacted by his son's bus driver, who said there is a raised section in the road on Elm. He is not sure exactly where. Rich advised he has not noticed. He will look it over again. Rich discussed the punch list for the Chagrin Valley Paving Company to complete and stated that the work will have to wait until the weather warms up in the spring. He recommended to Council that \$25,000 be withheld from the final payment until the punch list items are completed. A motion was made by Councilman Daugherty to hold \$25,000 from the final Chagrin Valley Paving Company payment until all repairs are complete, seconded by Councilman Magistrelli. All in favor, zero opposed. Motion passed.

**Resolution 2015-82-** An Emergency Resolution Continuing the Appointment of Richard S. Wasosky of Euthenics, Inc. as the Village of Northfield Municipal Engineer for the Period of January 1, 2016 through December 31, 2017. Motion to suspend the three reading rule by Councilman Magistrelli, seconded by Councilwoman Bowen. All in favor, zero opposed. Motion to pass by Councilman Vojtush, seconded by Councilman Daugherty. All in favor, zero opposed, motion passed.

**LAW DIRECTOR BRADRIC BRYAN-** Mr. Bryan reminded everyone in the audience that the next Council Meeting was rescheduled for Wednesday December 30, 2015. Mr. Bryan stated he will ask for Council to go into executive session at the end of the meeting to discuss the Police Department's proposed contract for 2015-17 and the Fact Finding Report and discuss other personnel and compensation matters related to Village employees. Brad also reported that Council President Greenlee could not attend the meeting tonight because of a health issue with a family member. Brad advised Council President Greenlee was going to make a statement tonight, but because of her absence, she asked Brad to read her statement. Mr. Bryan then read Mrs. Greenlee's statement (Letter attached).

### **DEPARTMENT HEADS:**

**Police Department, Chief Mark Wentz-** Report attached.

Councilman Vojtush asked if they ever thought of putting a mobile repeater at the Hard Rock. Chief Wentz advised it has been discussed, and they also discussed using Sagamore Hills' repeater. Their repeater picks up better transmissions than Macedonia's. Cost wise, the Rockcino is looking at options that cost less. They are also planning live exercises. Head of Security Kevin Goskowsky wants to have the Rockcino employees included in these live exercises. The problem is when does this happen when they are open 24/7 365 days a year. Councilman Vojtush stated a mobile repeater is only a few thousand dollars.

Councilman Vojtush also asked Chief Wentz about past incidents with Police Officers who lied that were terminated. He said there was an incident with an officer shortly before the election and asked if anything has been done? Councilman Vojtush stated that he has heard there was a lot of lying between the Police Lieutenant and Chief for a few weeks and he wants to know what has been done. Law Director Brad Bryan made it clear that the Police Lieutenant was not the subject of that investigation; it is another officer. Chief Wentz reported it is an internal issue that is between that Officer and the Chief at this time.

**Fire Chief, Jason Buss-** Not present.

**Service Superintendent/Building and Zoning Inspector Jason Walters-** Report attached.

Mayor Nehez praised the Service Department and wants them all to know how much he and Council appreciate all they do. Leaf pick up is complete. The salt bins are full.

This year the Village has 168 senior citizen driveways in the senior plowing program. The roads are the first priority, and they will do their best to get to the driveways in a timely manner.

Councilman Vojtush asked if there is a possibility of eliminating the Sagamore Road pump station. Engineer Rich Wasosky reported that they have looked several times at eliminating it. We can tie into a sewer at the bottom of the hill in Walton Hills. Rich advised that is very costly. At this time, the roads in the Village are more of a priority.

### **REPORTS OF MUNICIPAL BOARDS AND COMMISSIONS:**

**PLANNING COMMISSION, ALAN E. HIPPS-** No report.

**RECREATION BOARD, MAYOR NEHEZ-** The Holiday party will be at the Fire Station December 13th from 3-5.

**CEMETERY BOARD, BEATRICE GREENLEE-** No report.

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

**FINANCE: LINDA BOWEN-** Next meeting is scheduled for December 30th at 6:30pm.

**ROADS/PUBLIC WORKS: JIM DAUGHERTY -** No report.

**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.

Mayor Nehez stated the Christmas decorations look great. The Service Department did a great job.

### **LEGISLATION**

**2015-73-** An Emergency Ordinance Adopting Chapter 891 of the Codified Ordinances Regarding Municipal Income Tax.-Second reading. Motion to suspend the three reading rule by Councilman Magistrelli, seconded by Councilman Hipps, all in favor, zero opposed. Motion passed. Motion for passage by Councilman Hipps, seconded by Councilman Magistrelli. All in favor, zero opposed.

**2015-74-** An Emergency Ordinance Amending Section 892.01(a) of the Business Regulation and Taxation Code Relating to the Admissions.-Second reading. Will go on third reading at the next meeting.

**2015-75-** An Emergency Ordinance Amending Section 446.03 of the Traffic Code Relating to Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles. -Second reading. Will go on third reading at the next meeting.

**2015-76-** An Emergency Ordinance Amending Section 210.01(b) of the Administrative Code Relating to the Policy and Procedure for Professional Design Service.-Second reading. Will go on third reading at the next meeting.

**2015-77-** An Emergency Resolution Authorizing the Mayor to Renew the Village's Agreement with the Legal Defenders Office of Summit County, Ohio for Indigent Representation in Stow Municipal Court.-First reading. Motion to suspend the three reading rule made by Councilman Magistrelli, seconded by Council Vojtush. All in

favor, zero opposed. Motion to pass made by Councilman Vojtush, seconded by Councilman Magistrelli. All in favor, zero opposed.

**2015-78-** An Emergency Resolution Confirming the Mayor's Appointment of Patricia LeWalk-Ingrassia as a Temporary Assistant with the Finance Department-First reading. Motion to suspend three reading rule made by Councilman Magistrelli, seconded by Councilman Vojtush. All in favor, zero opposed. Motion to pass made by Councilwoman Bowen, seconded by Councilman Vojtush. All in favor, zero opposed.

**2015-79-** An Emergency Resolution Confirming the Mayor's Appointment of Patricia LeWalk-Ingrassia as Director of Finance and Clerk of Council-First reading. Motion to suspend the three reading rule made by Councilman Magistrelli, seconded by Councilman Hipps. 4 in favor, Councilperson Vojtush opposed. Motion passed. Motion to pass made by Councilwoman Bowen, seconded by Councilman Hipps. 4 in favor, 1 (Councilman Vojtush) opposed.

Councilman Vojtush stated he voted no because he feels that the Village should have waited to fill the position and sought applications from other interested candidates before hiring someone.

Brad Bryan advised that Ms. Ingrassia has a prior work history with the Village that could be relied upon, that she was and would have been the Mayor's first choice for the position even if applications were sought, the Village could not afford to wait a couple of months to fill the position, and it would not be fair to Ms. Ingrassia to ask her to put her life on hold and forgo other employment opportunities while the Village went through a lengthy application process just to arrive at the same result. Ms. Ingrassia was the Mayor's choice to fill the position.

**2015-80-** An Emergency Resolution Authorizing Timothy Clymer to Provide Assistance to the New Director of Finance during the Transition Period after Her Appointment-First reading. Motion to suspend the three reading rule made by Councilwoman Bowen, seconded by Councilman Hipps. All in favor, zero opposed. Motion to pass made by Councilman Hipps, second by Councilman Vojtush.

Councilman Daugherty asked Ms. Ingrassia if she needs Tim until the end of the year. Trisha advised she is familiar with the office, but there are some things she needs him there for during the transition period. All in favor, zero opposed.

**2015-81-** An Emergency Ordinance Amending Section 246.08 of the Codified Ordinances Relating to Compensation for Part-Time Fire Fighters working on the Holidays-First reading. Motion to suspend the three reading rule made by Councilman Vojtush, seconded by Councilman Daugherty. All in favor, zero opposed. Motion to pass made by Councilman Vojtush, seconded by Councilman Daugherty. All in favor, zero opposed.

**2015-83-** An Emergency Resolution Setting Forth the Rate of Pay for the Director of Law for 2016-First reading. Motion to suspend the three reading rule made by Councilman Magistrelli, seconded by Councilwoman Bowen. All in favor, zero opposed. Motion to pass made by Councilman Magistrelli, seconded by Councilman Daugherty. All in favor, zero opposed.

**2015-84-** An Emergency Resolution Setting Forth the Rates of Pay for Full Time Members of the Fire Department for 2016-First reading. Motion to suspend the three reading rule made by Councilman Vojtush, seconded by Councilman Daugherty. All in favor, zero opposed. Motion to pass made by Councilman Vojtush, seconded by Councilman Daugherty. All in favor, zero opposed.

**2015-85-** An Emergency Resolution Setting Forth the Rates of Pay for Part-Time Members of the Fire Department for 2016-First reading. Motion to suspend the three reading rule made by Councilman Vojtush, seconded by Councilman Magistrelli. All in favor, zero opposed. Motion to pass made by Councilman Vojtush, seconded by Councilman Hipps. All in favor, zero opposed.

**2015-86-** An Emergency Resolution Authorizing Certain Amendments to the Annual Appropriation Ordinance-First reading. Motion to suspend the three reading rule made by Councilman Magistrelli, seconded by Councilwoman Bowen. All in favor, zero opposed. Motion to pass made by Councilwoman Bowen, seconded by Councilman Magistrelli. All in favor, zero opposed.

**OLD BUSINESS; ANNOUNCEMENTS; NEW BUSINESS.**

Councilman Hipps addressed the use of recorders prior to Council meetings. Councilman Hipps addressed Councilman Vojtush on his actions of using a recording device in Council Chambers prior to meetings. Councilman Hipps stated Mr. Vojtush has been set his recorder down while it is turned on and leaving Council Chambers. Councilman Hipps advised this is a violation of the Ohio recording laws. On several occasions Councilman Vojtush has put his recorder on and left the room. The last time this occurred and was noticed by Councilmen Hipps and Daugherty was November 11, 2015. Councilman Hipps stated because of these acts, he is moving to Censure Councilman Gary Vojtush for malfeasance in office and conduct unbecoming of an elected official because of the act of illegal recording of conversations prior to a Council Meeting without Councilman Vojtush being present in the room at the time. Councilman Vojtush addressed Councilman Hipps by saying if he forgot to turn off his recorder and went to the bathroom, he apologizes; it was not done intentionally. Councilman Hipps asked Councilman Daugherty to shed light on conversations he has had with Councilman Vojtush when his recorder was moved. Councilman Vojtush advised his recorder was moved, and he did ask Councilman Daugherty why his recorder was moved. Councilman Hipps stated he moved it. Councilman Vojtush stated that when he returned to the room, he noticed his recorder was tampered with.

Brad Bryan explained the procedure to Censure to Council and the audience.

A Motion to move forward with the procedure to Censure Councilman Vojtush was made by Councilman Hipps, seconded by Councilwoman Bowen. 4 votes yes, 1 vote no (Councilman Vojtush). Mr. Bryan stated that the Charter requires this hearing be held within 14 days. The Censure hearing was scheduled for Thursday, December 17, 2015 at 7:30 pm.

Brad Bryan asked for a motion to go into executive session for the purpose of discussing the Police Department contract Fact Finding Report, the proposed Police Collective Bargaining Agreement, and other proposed Village employee compensation matters. The motion was made by Councilperson Bowen and seconded by Councilperson Vojtush. A roll call vote on the motion was taken, 5 votes yes. The Executive session began at 9:14 pm. At 9:57 pm, a motion to conclude the executive session was made by Councilman Daugherty, seconded by Councilman Vojtush. A roll call vote on the motion was taken, 5 votes yes.

**2015-87-** An Emergency Resolution Accepting the Fact Finding Report and 2015-2017 Collective Bargaining Agreement with the OPBA-First reading. A motion to suspend the three reading rule was made by Councilman Vojtush, seconded by Councilman Hipps. All in favor, zero opposed. Motion to pass was made by Councilman Hipps, seconded by Councilman Vojtush. All in favor, zero opposed.

**ADJOURNMENT** -Motion to adjourn made by Councilman Hipps, seconded by Councilman Daugherty. All in favor, zero opposed. Meeting adjourned at 10:00 pm.

Respectfully submitted by:

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Timothy Clymer, Clerk of Council