

The Village of Northfield

REGULAR COUNCIL MEETING

August 22, 2018

The meeting was called to order by Mayor Nehez at 7:30 p.m., and the Pledge of Allegiance was led by Mayor Nehez.

ROLL CALL was read by Tricia Ingrassia. The following officials were present: Mayor Nehez, Councilpersons Nick Magistrelli, Keith Czerr, Jenn Domzalski, Alan Hipps, Renell Noack, and Gary Vojtush. Also present was Law Director Brad Bryan, Fire Lieutenant Joe Zemek, and Service Director Jason Walters.

APPROVAL OF THE MINUTES: The minutes were not available for approval this evening.

PRESENTATION OF PETITIONS, MEMORIALS, AND REMONSTRANCES:

At this time Mayor Nehez stated that Judith Matlin from the Nordonia Hills Board of Education wished to address Council. Ms. Matlin wished to explain the 6.98 mil levy on the November Ballot. Ms. Matlin distributed reading material to the Mayor and Council. Ms. Matlin stated the last levy that the Nordonia Hills Schools passed was in 2011, and said that the total affect to a \$200,000.00 property is \$41.00 per year. Ms. Matlin gave a brief description as to what the expenses will be covered should the levy pass and the great need the schools have for the increased millage.

At this time Mr. Jim Daugherty of 214 Magnolia Avenue approached the Mayor and Council regarding the grass of his neighbors. Mr. Daugherty stated his neighbor doesn't mow her lawn until it is fourteen inches high and Mr. Walters sends her a letter requesting it be mowed. Mr. Bryan stated much of the red tape that was needed has been reduced since the new legislation passed. Mr. Bryan stated that only one notice per year will now be sent to residents and the following step is a fine for noncompliance. At this time Chief Zolcus entered the meeting at 7:42pm. Mr. Daugherty stated 110 Magnolia maintains the grass, but the weeds are growing three feet tall. Next, Mr. Daugherty addressed a concern he had with the gates being locked at the park. Mr. Daugherty discussed an incident that occurred with a vehicle pulling into the parking lot at the park, leaving and then returning again multiple times because the gates were not locked. Mr. Daugherty gave a bag of items that the car threw out the window as it was driving away. At this point, Mr. Daugherty walked away from the microphone and what was being said was inaudible. Mr. Bryan asked if anyone called the Police to report the suspicious vehicle. Mr. Daugherty stated he left too quickly. Ms. Domzalski stated on one of the occasions Village Officer was called to lock the gates. Ms. Domzalski stated this Officer stated to her, if you want the gates locked, lock them yourself. At this time Mr. Daugherty stated other concerns that occurred at the park. Chief Zolcus stated Sgt. Zajac spoke with the Officer to which Ms. Domzalski was referring. Mayor Nehez stated he will speak with the Chief regarding the possibility of a camera at that park.

REPORTS OF MUNICIPAL OFFICERS:

Mayor Jesse Nehez – No report.

Finance Director, Tricia Ingrassia – Ms. Ingrassia asked Mr. Walters to discuss the purchase of the bucket truck as the amount exceeds the Mayor's spending authority and will require a motion from Council for payment. Mr. Walters stated the Village's current bucket truck had repairs that would not be able to be made. Mr. Walters continued it was a better idea to purchase a newer used bucket truck instead of paying for the costly repairs to the 1994 bucket truck. The total cost of the 2008 bucket truck was \$24,000.00. Mr. Vojtush asked what year the 1994 bucket truck was purchased. Mr. Walters replied the 1994 bucket truck was purchased 12 to 13 years ago. Mr. Vojtush asked if the newer bucket truck was gas or diesel and how many miles are on it. Mr. Walters stated the newer bucket truck is a gas vehicle and has 130,000 miles on it. Mr. Walters continued this was a former vehicle for a cell phone company and has very low generator hours. Mr. Vojtush made a motion to approve payment to Rollerena in the amount of \$24,000.00, seconded by Ms. Domzalski. All were in favor of the motion; none opposed. Mr. Walters requested a motion to allow the Service Department to place the 1994 bucket truck on govdeals.com. Mr. Vojtush made a motion to place the 1994 bucket truck on govdeals.com, seconded by Ms. Domzalski. All were in favor of the motion, none opposed.

Engineer, Rich Wasosky – Mr. Wasosky will be at the next regularly scheduled Meeting of Council.

Law Director, Brad Bryan – Mr. Bryan had no report, but he did request that Council go into Executive Session after the regular business portion of the Council Meeting to discuss employee personnel matter and update Council regarding collective bargaining discussions with the IAM union.

DEPARTMENT HEADS:

Police Department, Chief John Zolgus – Report attached.

Chief Zolgus stated school is slated to begin tomorrow and the Police and Service Departments will be directing traffic in the morning and at the end of the day. Mr. Vojtush asked if the road would be open. Chief Zolgus stated the road will only be open for school traffic. At this time Mr. Walters gave a brief description of why the road could not be fully opened.

Fire Department, Lt. Zemek – Report attached.

Lt. Zemek requested a motion from Council to dispose of an old copier that is out of service. Mr. Vojtush made a motion to approve disposing of the copier, seconded by Ms. Domzalski. All were in favor of the motion; none opposed.

Service Department, Jason Walters – Mr. Walters reiterated the lane change on Ledge Road on which Chief Zolgus already spoke. Mr. Walters discussed how this year has been a bad year for Service Department vehicle repairs. Mr. Walters also discussed the salt consortium and how there is no final dollar amount per ton yet this year. Mr. Walters briefly discussed the grass cutting assessments that are on the agenda for Council approval this evening. Mr. Walters reminded Council there is a pre-construction meeting for the traffic signal at Ledge Road and State Route 8 Thursday, August 23, 2018. Mr. Walters also stated the crack sealing program will begin mid-September for two weeks. Mr. Vojtush asked if there was a time frame that residents should refrain from driving on the roads. Mr. Walters replied it is too difficult to try and keep the residents of the roads after the cracks are sealed, but the Service Department sprays dish soap on the

tar to alleviate the tar from getting on residents' vehicles. Mr. Walters advised Council the new bucket truck will need to be striped and outfitted for light bars.

Regarding Mr. Daugherty's complaint on 110 Magnolia Avenue, Mr. Walters stated this property has been an ongoing issue for many years. Mr. Walters stated he felt the new ordinance will change the way these situations are handled.

REPORTS OF THE MUNICIPAL BOARDS AND COMMISSIONS:

Planning Commission, Mr. Higgs – No report.

Recreation Board, Mayor Nehez – Mayor Nehez stated the Recreation Board will meet September 6, 2018 at 6:30pm to begin planning for the Annual Halloween Party and Veterans' Day.

REPORTS OF THE STANDING COMMITTEES:

Finance Committee, Mr. Magistrelli – Mr. Magistrelli stated the Finance Committee met this evening and there were no issues. Mr. Magistrelli thanked the Committee and Ms. Ingrassia.

Roads/Public Works, Ms. Domzalski – No report.

Health and Welfare, Mr. Czerr – Mr. Czerr reported on an incident that occurred at 9229 Cranbrook Road. Mr. Czerr began by telling a story of how his daughter joined the Armed Forces and continued stating the other members of his family have served their Country. Mr. Czerr stated the men and women that serve our Country fight for our freedom and civil liberties and do not receive any thanks. Mr. Czerr stated Council is elected to represent the people, but they pass more guidelines that violate the residents' civil liberties. Mr. Czerr continued he measured the grass of which Mr. Daugherty raised a stink, and he continued that he would just cut the grass if it bothered him. Regarding the incident at 9229 Cranbrook, Mr. Czerr said he was conducting family business with his brother, his ex-sister-in-law and his nephew, and three Village Police Officers showed up to the property. Mr. Czerr stated one of the officers recognized him, the other asked if he was the uncle. Mr. Czerr stated he invoked his constitutional right to remain silent. Mr. Czerr stated the officer continued to interrogate him after he continuously and admittedly in anger said he had the right to remain silent. Mr. Czerr said then both officers detained him in an aggressive manner and reinjuring his shoulder and cut the circulation off to his hands with two sets of handcuffs and placed him in the back of the police cruiser. Mr. Czerr continued stating the officers returned to the cruiser and removed the hand cuffs, at which time he told them of the reinjuring of his shoulder. Mr. Czerr stated he felt these two officers wanted to show authority to him because he is an easy target as a 58 year old senior citizen. Mr. Czerr admitted he did not cooperate with them because the matter was none of their business, and stated it was his right to remain silent. Mr. Czerr said he is appalled that the Police Officers that were sworn to uphold the Constitution of the United States would imprison him and injure him. Mr. Czerr stated he will be belligerent when he feels his freedom and civil liberties are being violated. Mr. Czerr added no one even has an apology for him. Mr. Czerr stated this is an important issue we have in the Village. Mayor Nehez stated this is a personal matter that should not be discussed during a report from the Health and Welfare Committee. Mr. Czerr stated he was injured and he is an employee of the Village. Mayor Nehez called the meeting to order and announced that any person can request a copy of the body camera footage and see that Mr. Czerr was not mistreated. Mr. Czerr yelled the officers had two sets of hand cuffs on him, and Mayor Nehez retorted he has

the floor. Ms. Noack stated she understands Mr. Czerr is a newer member of Council, but the Committee report for Health and Welfare is for the wellness of all. Mr. Czerr then questioned whether the police can abuse any resident in the community. Ms. Noack reiterated the Committee is for the benefit of the residents as a whole not a personal forum. Mayor Nehez requested Mr. Bryan advise whether anyone's Constitutional Rights had been violated. Mr. Bryan stated Chief Zoligus wished to address the issue first, then he would answer the question. Mr. Vojtush asked if the videos can be viewed during the Executive Session. Mr. Bryan stated that it wouldn't be appropriate to view them then, but Mr. Vojtush may see the videos any other time by appointment. Chief Zoligus stated the officers responded to a domestic call and upon arrival they requested the female trying leave stay on the property. Chief Zoligus continued stating Mr. Czerr tried to leave as well, and the officers requested he remain on the property as well. Chief Zoligus stated in that type of situation they do not allow people to leave in order to properly investigate the issue. Chief Zoligus stated domestic violence is not just spouses and significant others, but it includes family members. Mr. Czerr retorted that domestic violence should not be used regarding this situation. Chief Zoligus stated the officers must get to the root of the disturbance, and Mr. Czerr kept trying to get in his vehicle. Chief Zoligus clarified those officers do not know if the person trying to get into the vehicle has weapons. Chief Zoligus said for the safety of the officers, Mr. Czerr was placed in one set of hand cuffs, and the video shows the hand cuffs were movable on Mr. Czerr's wrists. Chief Zoligus stated the rest of the officers spoke to the parties involved and determined that no physical violence had taken place. Mr. Bryan reiterated many of the talking points made by Chief Zoligus, and he added that domestic calls are high priority calls. Mr. Bryan also added that the officers are free to question anyone involved in the situation without having to give the Miranda warning. Mr. Bryan continued the officers have the right to question, and Mr. Czerr has the right to refuse questioning. Mr. Vojtush asked if there was a way to tell whether the hand cuffs were too tight. Chief Zoligus stated during the video, one of the officers was able to move the hand cuffs up and down. Chief Zoligus stated he and Detective Sergeant Carlile reviewed the body camera footage and determined the officers involved did not violate the Department's use of force policy. Ms. Domzalski stated at no point during her term on Council has she violated the rights of the residents because her children are the future of the Village.

Wages and Working Conditions, Mr. Vojtush – No report.

Fire and Safety, Ms. Noack – No report.

Buildings and Grounds, Mr. Hipps – No report for Buildings and Grounds; however, Mr. Hipps stated the kick-off meeting and stated the sign ordinance does need a total overhaul to be compliant with Supreme Court Rulings. Ms. Noack asked Mr. Hipps if the next meeting will be the third Wednesday in September at 6:30pm. Mr. Bryan clarified that was Wednesday, September 19, 2018 at 6:30pm.

LEGISLATION:

2018-51 – An Emergency Ordinance Establishing Chapter 1048 of the Codified Ordinances Relating to Use of Public Ways by Service Providers (Second Reading). A motion to suspend the three reading rule was made by Mr. Magistrelli, seconded by Ms. Domzalski. All were in favor

of suspending the three reading rule; none opposed. A motion for passage was made by Mr. Magistrelli, seconded by Ms. Domzalski. All were in favor of passage; none opposed.

2018-53 – An Emergency Ordinance Amending Section 660.17 of the Codified Ordinances Relating to Weed and Grass Control (First Reading). A motion to suspend the three reading rule was made by Ms. Domzalski, seconded by Ms. Noack. All were not in favor of suspending the three reading rule. Roll Call: Mr. Czerr: No, Ms. Noack: Yes, Mr. Vojtush: No, Mr. Magistrelli: Yes, Mr. Hipps: Yes, Ms. Domzalski: Yes. The three reading rule was suspended 4 yes votes to 2 no votes. A motion for passage was made by Ms. Noack, seconded by Ms. Domzalski. Mr. Vojtush stated he would like more time for the residents to read the legislation. Roll Call: Mr. Czerr: No, Ms. Noack: Yes, Mr. Vojtush: No, Mr. Magistrelli: Yes, Mr. Hipps: Yes, Ms. Domzalski: Yes. The ordinance was approved 4 yes votes to 2 no votes.

2018-54 – An Emergency Ordinance Amending Section 1060.02 of the Codified Ordinances Relating to Residential Garbage and Rubbish Storage Containers (First Reading). Mr. Bryan recommended this be held for a second reading.

2018-55 – An Emergency Resolution Directing the Certification of Delinquent Sewer and Maintenance Bills to the County Fiscal Officer for Placement on the Tax Duplicate (First Reading). A motion to suspend the three reading rule was made by Mr. Magistrelli, seconded by Mr. Hipps. Mr. Czerr asked why we are passing most legislation as an emergency and suspending the three reading rule. Ms. Domzalski retorted how many notices have you received to pay your sewer bill. Mr. Bryan responded that specifically relative to this piece of legislation, the Village prefers to give as much time to remit payment on past due accounts as possible. Mr. Bryan continued, this piece of legislation is time sensitive in order to get the unpaid balances on the property tax duplicate. Mr. Hipps asked Mr. Bryan to clarify the use of the words "emergency resolution." Mr. Bryan stated this is totally separate of the three reading rule and most legislation requires three readings to enact by 2/3 majority of Council. Mr. Bryan further clarified that when a piece of legislation is passed as an emergency, it is effective upon the Mayor signing it. All were in favor of suspending the three reading rule; none opposed. A motion for passage was made by Mr. Magistrelli, seconded by Mr. Hipps. All were in favor of passage; none opposed.

2018-56 – An Emergency Resolution Directing the Certification of Delinquent Grass, Weed Cutting, and Property Clean Up Bills to the County Fiscal Officer for Placement on the Tax Duplicate (First Reading). A motion to suspend the three reading rule was made by Ms. Noack, seconded by Mr. Hipps. All were in favor of suspending the three reading rule; none opposed. A motion for passage was made by Mr. Hipps, seconded by Ms. Noack. All were in favor of passage; none opposed.

OLD BUSINESS; NEW BUSINESS; ANNOUNCEMENTS:

Mr. Walters stated the Village website still has the online sewer billing payment option listed. Mr. Walters requested this be removed from the website. Mayor Nehez stated he will follow up with the contractor. Mr. Vojtush asked if any of the people that pay online are on the delinquent list for assessment. Ms. Ingrassia stated Mr. Vojtush would have to contact Diane Gacom for that information.

At this time Mr. Vojtush made a motion to go into Executive Session to discuss employee and personnel matters and to update Council regarding the status of the collective bargaining agreement with the IAM, seconded by Ms. Noack. Roll Call: Mr. Czerr: Yes, Ms. Noack: Yes, Mr. Vojtush: Yes, Mr. Magistrelli: Yes, Mr. Hipps: Yes, Ms. Domzalski: Yes. At this time Council went into Executive Session at 8:45pm.

A motion to come out of Executive Session was made by Mr. Hipps, seconded by Ms. Domzalski. Roll Call: Mr. Czerr: Yes, Ms. Noack: Yes, Mr. Vojtush: Yes, Mr. Magistrelli: Yes, Mr. Hipps: Yes, Ms. Domzalski: Yes. Executive Session Ended at 9:33pm.

A motion was made to hire Tiffany Novak as a full-time office assistant effective September 1, 2018 at the pay rate of \$15.00 per hour by Ms. Noack, seconded by Mr. Magistrelli. Roll Call: Mr. Czerr: Yes, Ms. Noack: Yes, Mr. Vojtush: No, Mr. Magistrelli: Yes, Mr. Hipps: Yes, Ms. Domzalski: Yes. The motion was adopted 5 yes votes to 1 no vote.

ADJOURNMENT: A motion to adjourn was made by Ms. Domzalski and seconded by Ms. Noack. All were in favor of adjournment; none opposed. The Meeting adjourned at 9:35p.m.

Respectfully submitted by:

Tricia Ingrassia, Clerk of Council