

The Village of Northfield

REGULAR COUNCIL MEETING

March 9, 2011

Council President, Beatrice Greenlee called the meeting to order at 7:32PM 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, Village Engineer Richard Wasosky, Police Chief Mark Wentz, Fire Chief Gary Vojtush were present.

A motion to approve the minutes of the February 23, 2011 Regular Council meeting. The motion for passage was made by Mr. Bolek and seconded by Mr. Nehez. The motion carried with 5 ayes.

Mr. Noack arrived for the meeting at 7:34p.m.

In the business of petitions, memorials and remonstrance, Mr. Kent Minchell, who is the Attorney for BG Broadway Internet Sweepstakes said that they asked him to come to speak on their behalf regarding internet cafe's in Northfield. Mr. Minchell said that his clients applied for their permit before this legislation was introduced, and certainly before it was passed. Mr. Minchell questioned whether a moratorium now would prohibit them. Mr. Minchell stated that it is something that can be discussed with Law Director, Brad Bryan. Mr. Mitchell stated that with this particular enterprise, the amount of money generated for a community is significant. Mr. Minchell said that there is one cafe in Cleveland about the same size as this one, that generates 7% of that communities revenue. Mr. Minchell said he asks of all his clients that he represents, to give back to their communities, other than money. He stated that certain periods during the week the computers would be available to school kids and families that need them, for research. Mr. Minchell said they provide internet and computer training for people in the community, in particular, seniors. We try to give back to the community. Mr. Minchell said he would like the Village to consider all of these items, when they consider their application. He thanked Council for their time.

Mr. Joe Largey, the owner of the Wing Warehouse, said that he is not opposed to internet cafes moving into the Village, but since he has invested his time and money in the Village, and like other businesses in the Village, would like a little more time and information to see how it is going to impact the existing businesses. Mr. Noack asked Mr. Largey what he invests into Northfield, what does he do? Mr. Largey said he owns the Wing Warehouse, pays the employees and pays taxes. Mr. Noack said, you don't invest any money anywhere. Mr. Largey said, excuse me? Mr. Noack repeated himself. Mr. Largey said that he invests a fair amount of money, and Mr. Noack said oh ok. Mr. Largey thanked Council for their time.

Mr. Jeff Serra, an Attorney representing Palm Marketing, which is the software that is being used in the BG Broadway, asked if anyone had any questions? Mr. Serra stated that they sell prepaid phone cards, not internet time. Mr. Serra stated that computer points are redeemed on a computer, not slot machines. Mr. Bolek asked Mr. Serra if they receive any revenue generated from customers going to specific sites, such as site traffic? Mr. Serra said, their profit is from selling the prepaid cards. Mr. Bolek said, if someone uses all of their points, but wants to continue to play, they just purchase a new card. Mr. Serra said correct. Mr. Bolek stated that there is a possibility that some people just want to come in and play just points? Mr. Serra said yes, it is possible. Mr. Riedel asked how they keep track of who plays the points and who doesn't? Mr. Serra said that there is a computer system that keeps track of that. Mr. Ridel said if I just want to purchase a phone card I can? Mr. Serra said yes. Mr. Bolek asked if the card has an expiration date? Mr. Serra said for points and prepaid phone card, it is 90 days. Mr. Noack asked how much the Village would make? Mr. Serra said he doesn't know, it all depends on how much sales tax they pay and how many phone cards they sell. Mr. Riedel said that if they are using these cards to play these amusement type devices, that we do have an amusement devices tax, which is 5% of the gross, not net. Mr. Minchell said that there are certain fees that the Village will charge with the license and right out the gate, this Village will make a big chunk of money, just by letting this place open. Mr. Noack said yes and we need it. Mr. Nehez made an apologized to Mr. Shafron. He stated that his comments that he made were not intended to offend Mr. Shafron or his family personally. Mr. Nehez said that his comments were directed toward the property.

Mr. Bolek said that he spoke today with a former Mayor of a Norton, in Summit County that has four internet cafes. He said they will be willing to take if it doesn't work here. Mr. Bolek said it is generating so much money and they have no problems with the police. He stated that they have many people coming into their cafes and keep Norton from having to lay people off. Mr. Bolek stated that our last projection from our finance person is that we are down about 37%. Mr. Bolek said that if we have to cut 37% out of our budget, that would be laying off six policemen, 15 firemen, and two of the four in the service department. That is significant with how this economy is.

Resident Gary Vojtush of 8995 Cranbrook Dr., stated that the fire department doesn't staff 15 firemen at one time, that what Mr. Bolek stated was incorrect. The department staff's five firemen and everyone else is on call, and three of those are contracted to Walton Hills. Mr. Vojtush said regarding Councilman Nehez's apology to Mr. Shafron, that he looked up the definition of a word that was used and upset someone in the audience. Mr. Vojtush stated that there are a lot of other words to define the word ghetto, such as neglected and cash restraints. Mr. Vojtush said that he applauds Councilman Nehez for stating his opinion, along with his constituents, who hold this opinions with him. He said that in driving by the Plaza, it does look like they cleaned it up quite a bit, it is looking better. Mr. Vojtush said that as far as the rubbish and trash, and the way that the establishments are kept it could be improved easily. Chief Vojtush stated that he knows of numerous times that we would have issued citations. He didn't believe that Councilman Nehez meant black, white or any ethnicity at all, just towards the property itself. Chief Vojtush said that he asked Steve Chaney to put a cover on a plug that he was told that had no electricity, but currently there is a front end loader plugged into it. Mr. Noack said that he is happy the way that they cleaned the Plaza up. Chief Vojtush said that he feels the same way as Mr. Nehez. He thinks that Mr. Nehez didn't mean any harm towards any person, it was all towards the property. When something gets that bad, it does look like an establishment that would be in that area. Mr. Shafron said that in the lease agreement, it is the tenant's responsibility to maintain a dumpster. He feels he keeps getting blamed for this. Mr. Shafron stated that the trash containers in the front of the building, are what Plaza Management maintains. Mr. Bryan stated that we would appreciate if Mr. Shafron's inform his tenants, to keep things in the dumpsters and to keep the doors closed. Mr. Shafron stated that he would get a letter out to his tenants. Chief Wentz said that the open sign is still attached to the car wash. Mr. Shafron said the car wash sign is down. Chief Wentz said that the big open sign is up, and that is what Mr. Walters was referring to. Mr. Shafron said that is no problem, they will remove it.

Council President Mrs. Greenlee said that Mayor Milani and Council received a thank you note from the Thellmann family for the planter that was sent to Mr. Edward Thellmann's funeral. Mr. Nehez and Mr. Noack said that Mr. Thellmann was a great man from Walton Hills. Mrs. Greenlee thanked Rosemary Snell for bringing all of Council, the Summit County Department of Health reports.

Finance Director, Robert Riedel asked for a motion to be made to accept the Financial Statements for February 2011 as submitted. The motion was made by Mrs. Bowen and seconded by Mr. Bolek and carried with 6 aye votes.

Village Engineer Richard Wasosky gave his report. (See attached) Mr. Bolek asked if we used the permissive license tax for the \$2500 repair in front of Handel's? Mr. Wasosky said yes, around \$2,200.

Law Director Brad Bryan met last week with Summit County Prosecutor's Office who are handling the sewer district case. He said they are hiring two experts in that case at the cost of \$55,000. One is an expert on the Economic Impact on the region and how the sewer region's plan is disproportionately placed on the Summit County communities as apposed to the Cuyahoga County communities. The other one is an expert in water flow, to demonstrate that their water flow formula doesn't make sense. The County is picking up a large part of the tab, with the communities portion is going to be \$20,000. After much discussion on how to divide the \$20,000 by community; area, population, number of parcels, it was decided to divide the cost evenly by the 10 communities.

Police Chief Mark Wentz gave his report. (See attached) Mr. Noack said that Chief Wentz runs a right ship and he is very pleased with his department.

Fire Chief Gary Vojtush said that everything is going status quo with the fire department. He stated he needs to get with Mr. Wasosky to rate weight limits on a couple bridges.

Mrs. Greenlee of the Planning Commission said that to her knowledge we haven't received any applications for the open position on the Planning Committee. Mr. Bryan said that we would have to do some recruiting. Mr. Bolek said can't the Mayor just appoint someone? Mr. Bryan said yes at Council's approval.

Mrs. Bowen of the Finance committee said that there will be a Finance committee meeting on March 23, 2011 at 6:30 p.m. Mrs. Bowen asked Council to pick a date for when Council would like to meet to discuss the budget. Mr. Riedel said that he needs a week for any adjustments. Mr. Bryan said if the budget isn't passed on the 23rd. Council will then required to have a special council meeting before the end of March to pass the budget.

Mrs. Selle of the Roads and Public Works Committee said that the sign entering the Village on Ledge Rd. driving westbound was damaged. Mrs. Selle said that we are attempting, a temporary low cost fix with Classic Designs.

Mr. Bolek of the Health and Welfare Committee had no report.

Mr. Nehez of the Building and Grounds Committee had no report.

Mr. Noack of Wages and Working had no report.

Mrs. Greenlee of the Fire and Safety committee had no report.

Mrs. Greenlee had Mr. Bryan read Ordinance 2011-26, an emergency Resolution establishing a moratorium on internet cafe/sweepstakes establishments. Mr. Bryan said that everyone knows that he is in favor of the moratorium, but it is Council's decision and he will respect that decision and agrees with Chief Wentz's comments in his report. Mr. Bryan said that he has distributed two applications this week and did speak with a third party. Depending on what happens, we might get a lot of applications. A motion to suspend the three-reading rule was made by Mr. Bolek and seconded by Mr. Nehez and carried with 4 ayes, 2 nays. Mrs. Greenlee said that since the newspaper published the article about the moratorium, she has had numerous calls asking her to support it. Mrs. Greenlee said she does support the moratorium, not because she is against them, but because she doesn't want to see a lot of the internet sweepstakes cafe's open here in the Village. Mrs. Bowen said she has also checked into Ohio Gaming Laws and as of February 17th, 20 townships and cities have imposed the moratorium. Mrs. Bowen said it isn't that we don't want these gaming places in, but until the rules and regulations are in place. Mr. Bolek asked Mr. Bryan to swear in Mr. Jim Wolf, regarding something that he wanted to ask from the last council meeting. Mr. Bryan swore in Mr. Wolf. Mr. Bolek asked Mr. Wolf if he had stated at the last Council meeting that he had arranged a meeting with the acting Mayor, Police Chief and Law Director. Mr. Bolek asked Mr. Wolf if he actually spoke with Bea Greenlee about this meeting that was to occur on Wednesday morning on the 9th. Mr. Wolf said the week prior to Presidents day ,he placed two calls into the Mayor not knowing that he was on leave. Mr. Wolf then placed a call to Mr. Bryan and had scheduled a meeting for Wednesday morning. Mr. Wolf stated he received a call back from Mrs. Greenlee, returning the Mayor's phone call. Mr. Wolf told her that they would like to come in and introduce themselves to her. He asked her when would she be available? He stated that there was a meeting already scheduled for Wednesday morning and why didn't she come? Mr. Bryan said he didn't invite Mrs. Greenlee, it was to be Chief Wentz and himself. But the night before, Chief Wentz notified me he wasn't able to attend due to a funeral. Mr. Bolek said that at the last meeting, we heard under Bea Greenlee's testimony, that she said she knew nothing about the meeting. Mrs. Greenlee said that she did know about the meeting, but didn't know that the meeting was setup for sure. We only talked over the phone and did not set a definite date. Mr. Bolek said he doesn't understand this whole process, he just can't understand it! Mr. Bolek said during business hours someone comes here to get an application and they are told it's not here? Are those documents held at Brad's office? Mr. Riedel said applications for what? Mr. Bolek said for this gaming application. Mr. Riedel said to see Jason Walters or Lisa Rodriguez. Mr. Bryan said that the applications are here. He said they are told to contact him so that he may explain to them what the laws and requirements are. Mr. Bryan said he did explain this to Mr. Siedel the last time that we spoke. He stated that his email wasn't working at the time, then he misplaced his contact information, and felt if it was important enough they would call back. Then a couple weeks later, Mr. Zohn contacted Mr. Bryan and asked for the application. Mr. Bryan said he would get it out that day. Then Mr. Bryan received a call a couple hours later, he emailed the application to him, which was Wednesday. They then turned it in on Friday and Chief Wentz was here. Then they had the discussion whether to impose a moratorium. Then there was further discussion with the Mayor. He stated there was a holiday on Monday, then it came over on Tuesday. Mr. Bryan said there was nothing sinister about the procedures. Mr. Bolek said he just doesn't understand the timing, because their first approach to the Village was on January 18th. Mr. Bryan said that it was a call, he explained what the rules were and the application was turned in on February 18th. Mr. Bryan said he was called back several weeks later when they got the application. Mr. Bolek said he is just having a lot of problems with this because people are being told that Council is planning to invoke a moratorium on sweepstakes cafes at the 23rd meeting. That was in the morning and Mr. Bolek said he didn't even know anything about this legislation until 5p.m. that same date. Mr. Bolek said that he had to asked who was sponsoring this legislation, and then was finally told by someone that it was Mayor Milani. Mr. Bolek said that he does understand that there is large owner of property in this town who is very upset that we have created an opportunity that he considers us to be an opposition to his business. We do not pass legislation in this town to benefit one property owner. We try to pass legislation that is across the board, equal and fair to everybody. This company has spent a lot of time and effort and have a tremendous track record. Mr. Bolek said for over one month, they have been trying to get stuff in and they are being told that Jason Walters has to sign this stuff, but Jason isn't available for 10 days. Chris While is the assistant and he is being paid to do things for Jason when he is not here. To tell someone who is trying to open a business, to go away and come back in 10 days ,he feels is non-responsive! Mr. Bolek said that we don't have people lined up around the corner in this town willing to spend money and we are treating a potential business owner like this! That they have to wait a month to get the application, and then when they have it ready, we tell them the person who is to signs it isn't available for 10 days. Mr. Bolek said the last time he checked, the state wrestling tournament was only a couple days and was over on Sunday. Mr. Bolek said that he doesn't understand! Mr. Bryan said no one told them that we were imposing a moratorium, you can ask any of them here in the audience. Mr. Bryan said that he told them that day that it was on the agenda, and it was in everyone's mailboxes on Tuesday. Mr. Bryan said he never told anyone what Council was going to do. He said his conversation with Chief Wentz was not concerned with a moratorium. It is an application process. Jason ultimately approves the application. He is not going to approve it until he talks with Mr. Bryan and tell him that the requirements are met. He won't do it either until Chief Wentz give his ok on the part of the application that he

