

# **The Village of Northfield**

## **REGULAR COUNCIL MEETING**

### **March 28, 2012**

Mayor Jesse Nehez called the meeting to order at 7:35PM following the Pledge of Allegiance.

The roll was called by Finance Director, Bill Day with the following Councilpersons present: Beatrice Greenlee, Karyn Selle, Mary Volny, John Schlueter, John Bolek and Linda Bowen. Law Director Brad Bryan, Fire Chief Gary Vojtush and Service, Building and Zoning Superintendent Jason Walters were also present.

Mayor Nehez asked for a motion to to approve the March 14, 2012 council meeting minutes. A motion was made by Beatrice Greenlee and John Schlueter seconded the motion, Karyn Selle abstained. The motion carried with 5 ayes.

In the business of petitions, memorials and remonstrances, Walton Hills Councilperson, Denny Linville stated that he was a strong proponent for the fire contract in the fall of 2010 between Walton Hills and Northfield Village. Mr. Linville states that a couple months ago that people are saying that Walton Hills should opt out of the fire contract with Northfield Village and re-establish ties to another community, and he stated that he didn't support that at the time, he didn't see any cause. Since then things have seemed to change and he is hearing department does not maintain a presence in Walton Hills, as the contract states. Also when they are in Walton Hills they locate themselves at the Walton Hills Church of Christ, which is a good location, but is not the center of the Village, which is what the contract states. Mr. Linville stated that it was made mention, that this location was chosen due to it having basketball courts, so that they may play basketball, and he stated that he understands that firemen are not out always fighting fires. Mr. Linville stated that the original vote was very close, in fact Mayor Hurst chose Northfield Village on a tie-breaking vote. Mr. Linville stated the best they can do is opt out and give a 6 months notice to Northfield Village. He stated that he was upset over the "as needed" stated in the letter Walton Hills received, with regards to inspecting Walton Hills businesses, and the false promise of regionalism to partner and that Walton Hills in the future will have to establish their own in their fire service with mutual aid with various communities. Mr. Linville stated that he was very hopefully to partner with Northfield Village for a very long time and is saddened by that. John Bolek asked if Walton Hills did take a vote to cancel and give Northfield Village a 6 months notice. Mr. Linville stated no they have not, it was just his opinion. John Bolek stated that they voted on the agreement but have not seen any of these letters. Brad Bryan stated that some of these original letters were sent directly to Chief Vojtush, Mayor Nehez or Beatrice Greenlee. Brad Bryan stated that over the past month they have been addressing the inspection issues and has spoke to Walton Hills Building Inspector and Mayor Hurst to get an idea of specifically they want done with the fire inspections. Brad Bryan stated that he and Mayor Nehez have addressed this issue with Chief Vojtush and that Chief Vojtush has been inspecting earnestly over the past several weeks. Brad Bryan stated that they do have a procedure that copies of the inspections will be given to Walton Hills Building and Zoning Inspector once a week, for the inspections from the previous week. Mayor Nehez asked Chief Vojtush if that was happening with the inspections and reports. Chief Vojtush stated that he did not know the extent of how it was to be given to Walton Hills, but they did receive a list of which ones were inspected, and the rest of the reports are in the computer. Chief Vojtush stated that they have been told if they passed or failed. Brad Bryan stated as far as the presence of the fire department Chief Vojtush can address that. Brad Bryan stated as far as where they are located at the church, there were discussions because our men have been allocated to certain places in Village Hall, but Walton Hills employees have complained that the fire department is intruding on their space. Denny Linville stated that they did receive a list of businesses that were inspected and they just said failed, but there was no further documentation. Mr. Linville stated there is a requirement for more documentation if you checked fire codes and respect to hazardous situations. Mr. Linville stated that Walton Hills lawyer did contact Brad Bryan. Brad Bryan stated that Chief Vojtush should have given the copies of the inspections, but he didn't know if that was done, but Walton Hills Building Inspector should be getting copies. Mr. Linville stated this matter has been going on since August 2011. Mayor Nehez stated that he has been diligently working on this situation since he has become Mayor and has had meetings with Chief Vojtush over the past three months. Mr. Linville stated that he does understand that, but hopes it isn't too late. Mr. Linville stated that there is a perception of contract breaking on the part of Northfield Village. Brad Bryan stated that he feels that there is a misunderstanding regarding the interpretation of the contract of the "as needed" inspections. It was interpreted by Northfield Village that Walton Hills would contact Northfield Village stating that they need an inspection on new construction or new building and we would inspect. Mayor Hurst's understanding was that Northfield Village would inspect each building once a year, and we now understand that Mayor Hurst wants every building inspected yearly. John Bolek said to Mr. Linville has stated to everyone what he has been hearing, but he has not provided the documentation that the Village is lacking, and the fire department is doing the work, but just didn't provide Walton Hills with the reports in detail that they wanted. Brad Bryan stated to John Bolek that over the past month the work has been done with regards to inspections. John Bolek asked Mr. Linville if the situation was getting better or getting worse? Mr. Linville stated that he doesn't perceive it getting better, but can't speak about it getting worse at this point. Mr. Linville stated that July 22, 2011 and November 10, 2011 letters were sent to Chief Vojtush requesting a list of all commercial fire inspections. Brad Bryan stated that there is disappointment in the decision with Northfield Village staying with Macedonia dispatching and

that Walton Hills was unhappy with the inspections and we have addressed those issues over the past 3 months. Mayor Nehez asked for feedback from Chief Vojtush. Chief Vojtush stated that he would like to meet with everyone after this meeting. Chief Vojtush stated that they staff 6 hour shifts, 4 shifts per day, which is 4 different times per day that they will have to leave Walton Hills to go home, and the next shift come on. There is also lunch and training nights and inter-shift trainings, fire inspections and numerous occasions that you will not see a squad sitting at Walton Hills Village Hall 24 hrs per day. Chief Vojtush stated that they squad is normally sitting at Walton Hills Village Hall, next to the police department and the firemen as sitting in the office of the building department or in the community room. Brad Bryan stated that they have heard that people at Walton Hills have stated it will be good when they are out of our space and out of our hair, and we are trying to do our best. Mr. Linville stated that Mayor Hurst is actively trying to find a space for fire. Mary Volny stated that from what has been said is that both Villages have had bumpy starts and miscommunications and we can all do our jobs better. Karyn Selle stated that there are plans in the works to find a new place for our fire, so it has been a little over a year since the two Villages have come together and there has been progress between both Villages to better the situation. Karyn Selle thanked Mr. Linville for coming to speak with us and she hopes that he will speak with others that there is progress going on with Mayor Nehez going in the right direction. Mr. Linville stated that he will provide everyone with copies of the documents. Karyn Selle stated that she hopes what we are discussing tonight does get passed on to others. John Schlueter thanked Mr. Linville for speaking to Council tonight also. John Bolek asked Mr. Linville to convey to Walton Hills Council that none of that prior information from January 2011 to December 1, 2011 these issues were never brought to Council's attention in the previous Mayor's reports. Mayor Nehez stated that every letter or phone call he has received from Mayor Hurst is dealt with immediately by contacting Chief Vojtush. Mayor Nehez stated that he is aware of the situation and is handling it the best that he can, that he is learning also. Mayor Nehez stated that he can guarantee everyone that he is not faltering at all on this situation. Mr. Linville stated that they all appreciate it. Mayor Nehez stated he is not giving up and every complaint that he receives is dealt with and what happened with the past administration is the past. Mayor Nehez asked Chief Vojtush if he had anything to add to this. Chief Vojtush stated regarding a lot of the things that Mr. Linville discussed, a lot of people don't know what was going on during this whole process behind the scenes. Chief Vojtush stated that he would like to address Mayor Nehez and Council after this meeting to bring everyone up to speed. Brad Bryan stated that can't be done, you can't have an unofficial meeting after the Council meeting. Mayor Nehez suggested a Fire and Safety Committee meeting. Chief Vojtush and Beatrice Greenlee agreed.

Mayor Nehez reported that he is very impressed with the Service Department and everything that they have done around the Village Hall. Mayor Nehez has received many compliments from Village residents about the improvements. Mayor Nehez stated to Jason Walters what an outstanding job he and his department have done, and thanked him. Mayor Nehez stated to Council how many busy positive things have been going on from the new chairs in the Village Hall, to the shrubs and plants outside, to the budget. Mayor Nehez stated how proud he is of this Village. He stated how his department heads are very proud of their own departments and he is very proud.

Finance Director, Bill Day stated that he has been very busy. Bill Day stated that they will be preparing 6,000 envelopes for mailing for the sewer billing next week. Mary Volny stated that a resident contacted her about where the sewer billing was going. Bill Day stated that the Village website has been changed to reflect that the sewer billing contact is the Village Hall. Mary Volny asked if they can pay the sewer bill at Village Hall. Bill Day stated yes they can pay at Village Hall.

Brad Bryan had no report. John Bolek asked if they were any closer with the Chestnut house property. Brad Bryan stated that it will be discussed at the April 18<sup>th</sup>, 2012 Planning Commission meeting.

Fire Chief Gary Vojtush had no report. Chief Vojtush stated that at the end of 2010, they were contacted by the Law Director of Walton Hills to handle the contract for Walton Hills. After many phone conversations they finally signed a contract with Walton Hills. A lot of items were changed in the contract that we could absolutely not provide. Chief Vojtush stated that he feels that his department has goes above and beyond with regarding effort in handling this Walton Hills contract. He feels that there has only been a couple instances in which they had to call mutual aid. Chief Vojtush firmly believes that the job has been done professionally and adequately. We have had issues just as they have had theirs along the way Chief Vojtush stated. Chief Vojtush stated that he would like to discuss this situation further with everyone since there are a lot of options and ways of doing things. Chief Vojtush reminded everyone that the Council that sits in Walton Hills now is not who was there before and the contract hasn't changed from that time, only the interpretation has. Chief Vojtush stated that the interpretation on his part has not changed. Beatrice Greenlee stated that they will be setting a Fire and Safety Committee meeting. Chief Vojtush stated yes. John Bolek asked how much time would be needed and Chief Vojtush stated that he would like 30 minutes, and Council decided on 1 hour time frame at 6:30p on April 11th. John Bolek suggested to invite Mayor Hurst and Mr. Linville to the Fire and Safety Committee meeting also. Mayor Nehez stated yes anyone. Karyn Selle asked the lady sitting in the audience, who was Mary Brenner, a Walton Hills Councilperson, when their Council meeting are. Mary Brenner stated they are held Tuesday evenings. Mary Brenner also stated to Chief Vojtush that she is the only new person on Council since 2010. Chief Vojtush stated that everyone then on Walton Hills council was present for the contract discussions. Karyn Selle asked if the Village of Walton Hills council would be able to attend the Fire and Safety Committee meeting and she stated yes. Mayor Nehez stated that he would

have Lisa Rodriguez send out the invites.

Service, Building and Zoning Superintendent Jason Walters gave his report. (See attached) Mayor Nehez asked Jason Walters if the metal plate on Huntington Dr. can get moved to the top of the list and Jason Walters stated yes, it is at the top of the list. Jason Walters asked for a motion to be made to have Village Engineer to put together bid packages for Ledge Rd. project because it needs to be done before school starts for the 2012-2013 school year. The span is the 2<sup>nd</sup> week of June to the 3<sup>rd</sup> week in August. John Bolek stated that there is no way that you can get to Redi Storage off of Northfield Rd so you can't shut them down for 90 days. Jason Walters stated that is when you use plates and things to get around it, and what has to happen will happen. Jason Walters stated that we have to maintain the road, and we notify them and in the end everyone will be happy the road is fixed. Linda Bowen asked about the busses. Jason Walters stated that they do have options. Karyn Selle made the motion and it was seconded by John Bolek for the Village Engineer to prepare bid packages for the Ledge Rd. project. Mayor Nehez stated that the Plaza's handicapped parking spaces are not properly marked. Jason Walters stated that is why he is asking Council to pass the Ordinance tonight. John Bolek stated that there is a particular business in the Village, that their parking area striping is so bad, that the patrons are parking in the roadway thinking that they are in a parking space, which is a safety issue. Mary Volny asked how Jason Walters would handle this issue. Jason Walters stated that he has warned people. Brad Bryan stated that Jason Walters has given verbal warning, then if not corrected, they will receive written notice to correct, and if is still not corrected they will be cited into court. Jason Walters stated that he is glad everyone is glad that everyone is happy about the Village Hall but he stated that they are just doing their job. John Bolek asked what he could tell them about the re-inspections of the apartment complexes in the Village. Brad Bryan stated that regarding the Ledge Rd apartments, they have cancelled once on us, and we cancelled once on them. Brad stated that he has spoke with Rick Shields and he states that he feels there are some things that we are asking things that he doesn't need to do, and some things are completed, but we will be meeting with them sometime soon. Mayor Nehez asked who owns that property, Jason Walters stated that Geffen Properties owns Lincoln East and West and Ledge Rd apartments. John Bolek asked how often Jason does the apartment inspections. Jason Walters stated that it is setup every three years, unless there is a complaint.

Beatrice Greenlee of the Planning Commission stated that the Planning Commission recommends that Council approve the lot splits on Meadow Lane. Jason Walters stated that Village Engineer Richard Wasosky did sign off on this and agreed that it needs passed tonight. A motion was made by Beatrice Greenlee and seconded by John Bolek to approve the lot consolidation and split into four parcels in the Meadow Ln. development. It passed with 5 ayes and 1 abstain from Linda Bowen. Brad Bryan stated that the lot split has to be signed off on by the Mayor and the chairman of the Planning Commission, then it goes to the County to be filed as a new plat.

Mayor Nehez stated that the Charter Review Board will meet at 7:00pm on April 4<sup>th</sup>. The Recreation Board will have their first meeting at 7:30p on April 5<sup>th</sup>.

Linda Bowen, of the Finance Committee had Brad Bryan read Ordinance 2012-22, an emergency Ordinance approving the payment of the bills for the month ending March 2012. Motion was made by John Bolek and seconded by Mary Volny, it carried with 6 ayes. Brad Bryan read Resolution 2012-21, an emergency Resolution setting forth the appropriations of the Village of Northfield, Ohio for the Fiscal Year 2012 and submitting the same to the county Fiscal Officer. A motion to suspend the three-reading rule was made by John Bolek and seconded by Beatrice Greenlee. A motion for passage was made by Linda Bowen and seconded by Beatrice Greenlee. Mary Volny thanked everyone for their time and effort on their budget reports that participated. Mary Volny stated that the Village has quite a few professional people working here. John Bolek stated that it is nice to see the employees working together to make this work, in a difficult financial time that Northeastern Ohio is in. Mayor Nehez stated that we really do have an amazing group of people here in the Village. It carried with 6 ayes.

Karyn Selle, of the Roads and Public Works Committee had no report.

Mary Volny, of the Health and Welfare Committee stated that they are proceeding with the medical history and Vials of Life for the first responders. This should be a great help to first responders in regards to medication and they will be available at the Village Hall. Mary Volny stated that all of Council graciously volunteered to deliver these to residents that aren't able to get to Village Hall to pick up. Karyn Selle stated that the stickers are through Summit County Health District and the packets were generously donated by the UH Bedford Medical Center. John Bolek asked Chief Vojtush where he recommends residents place these. Chief Vojtush stated that either on the refrigerator or doors, this way they can find it when they walk in. John Bolek stated that on the website that they can put numerous pieces of papers in the pouch and update it all the time.

John Bolek of the Building and Grounds Committee stated that he spoke with Jason and they are working hard on putting together some more concrete approaches with ordinances and signs and bring to Council so that it can go to voters this year and the state comes through and re-does State Route 8 in 2014 they can be held to the standards.

John Schlueter, of the Wages and Working Committee had no report.

Beatrice Greenlee of the Fire and Safety Committee had no report.

Mayor Nehez had Brad Bryan read Ordinance 2012-17 an emergency Ordinance establishing section 1424.07 of the codified ordinances relating to the provision of water, electricity and heat to tenants of multi-family dwelling units. A motion to suspend the three-reading rule was made by John Bolek and seconded by Karyn Selle. Mary Volny stated that he and John Schlueter attended a meeting regarding them passing everything as an emergency. Brad Bryan explained that almost all of our legislation is titled as an emergency, reason being is because emergency ordinances are effective upon passage when it is signed by the Mayor, it is effective. If it isn't done on an emergency basis, it isn't effective for 30 days, and it is a requirement that we supply the reason for emergency. Brad Bryan stated that when we are passing it as emergency we are following the rules. Brad Bryan stated that we suspend the three-reading rule by 2/3rds of council. Brad Bryan stated that even if something goes to three-readings it is important that it gets processed as emergency so that it is effective immediately. John Bolek stated that by passing these it is not subject to referendum. Mary Volny stated that an emergency is defined as a roof is off a house, but hiring someone isn't. John Bolek stated that 500 people went without heat or hot water for more than 24 hours. Mary Volny stated that the owners of those buildings do have a right to know we are passing this. John Schlueter asked if we send letters out to business or residents if we are passing these. John Bolek stated that it is public domain, and reading it publicly that is their notice. Brad Bryan stated there are times that we do take care to make sure they are notified before we pass things. John Schlueter stated that they are to supply water, electric and heat, and it is a multi-dwelling and they sometimes have one heat source, and something goes wrong with that heat source on new years eve and they can't get someone to fix this. Jason Walters stated that there is reasonable time to fix things, but if they don't pay their bill and let the gas be turned off, that is negligence. John Schlueter asked who determines the negligence. Jason Walters stated that he would contact the Law Director, and explain the situation and decide if it violates the ordinance and they would be cited into Mayor's court or into Stow Court. Jason Walters stated that he didn't think it was 500 units, but one unit is too many, when you don't have heat or water and it is up to the owner of that apartment and you are paying your rent, it is a shameful situation. Brad Bryan stated that the owner accepts the rent, but doesn't pay their bill. John Bolek stated that the maximum penalty is up to \$750.00 and up to 30 days in jail for citation. John Bolek stated that right now Jason couldn't do anything, because we don't have anything on the books, but this ordinance does let him do this. John Bolek stated that when Northfield Village decided to close our sewer plant, we chose to close it, pay the bills ourselves. John Bolek said that every other community around us, with the exception of Twinsburg, went to Summit County and said we can't afford it, close it for us and they had to join the Summit County Sewer System. That is why everyone else around pays three times the sewer bill that Northfield Village pays. Jason Walters stated that we also have a lot of expense with maintaining our sewers, which is a huge expense. John Bolek stated that if Council wants to hold this for one more reading to pass on third reading, is fine with him. A motion for passage was made by John Bolek and seconded by Mary Volny. The motion carried with 6 ayes.

Brad Bryan read Ordinance 2012-23, an emergency Resolution confirming the Mayor's appointment of Dave Predovic to the position of part-time Maintenance 4 with the service department. A motion to suspend the three-reading rule was made by John Schlueter and seconded by Mary Volny. A motion for passage was made by John Bolek and seconded by Karyn Selle, it carried with 6 ayes.

Brad Bryan Ordinance 2012-24, an emergency Resolution confirming the Mayor's appointment of Danny Orrill as a temporary, seasonal employee with the service department for the summer of 2012. A motion to suspend the three-reading rule was made by John Bolek and seconded by Karyn Selle. A motion for passage was made by John Bolek and seconded by Karyn Selle, it carried with 6 ayes.

Brad Bryan Ordinance 2012-25, an emergency Resolution confirming the Mayor's appointment of Timothy McRitchie as a temporary, seasonal employee with the service department for the summer of 2012. A motion to suspend the three-reading rule was made by John Bolek and seconded by Beatrice Greenlee. A motion for passage was made by John Bolek and seconded by John Schlueter, it carried with 6 ayes

Brad Bryan Ordinance 2012-26, an emergency Ordinance amending section 1422.075(a) of the codified ordinances relating to mercantile, multi-family and institutional exterior property areas. John Schlueter asked if this was just reinforcing code. Brad Bryan stated that we really don't have this, it is under commercial maintenance standards. Jason Walters stated that it is under exterior property, and this enforces it better. Brad stated that Jason can actually point at the parking lot, handicapped spaces and striping. John Bolek stated that now Jason Walters has an ordinance that he can cite them for. Chief Vojtush stated that all the parking by the Dolphin and the entire building is in the fire lane and is illegal, which is the first 20ft. Jason Walters asked why did we just not cite them. Chief Vojtush stated that they just left it. A motion to suspend

the three-reading rule was made by John Bolek and seconded by Karyn Selle. A motion for passage was made by John Bolek and seconded by Karyn Selle, it carried with 6 aye votes.

There was no old business. In the new business Mayor Nehez stated that there is a Block Watch meeting at 6:00pm on April 18<sup>th</sup>. John Bolek stated that it was erroneously reported in the local paper that we filled the last vacancy on the Charter Review Commission, that is not true. That Mr. Horvath is not a member of the Charter Commission, he was re-appointed to Planning Commission. John Bolek stated it is a joy to see the animals in the local area. Linda Bowen stated that the Block Watch meeting on the 18<sup>th</sup> of April is a kick-off and post cards are being passed out to residents here for the open house with refreshments.

Chief Vojtush asked to go into an executive session for personnel discussions. Chief Vojtush stated that April 2<sup>nd</sup> is National Autism Day and he put fliers in everyones mailboxes. John Bolek asked where you can get the post cards for Block Watch. Linda Bowen stated that Council is passing them out door to door and emails are being sent out. Linda Bowen stated that they are trying to as many people as possible involved. John Bolek stated that there is a house in foreclosure that it looks like someone drove a car through the garage doors, and Jason Walters stated that there is no way the Village can board up the house. Jason Walters stated that there has to be a police complaint first and then they can board it up. Jason Walters stated that there is no way to send out the violation, it gets returned to us. John Bolek asked if you can serve it on the house itself. Brad Bryan stated yes, but you need a person to cite into court. Brad Bryan stated that Jason had Lisa Rodriguez email him about the house with the tarp, so he will check into that.

A motion was made by Beatrice Greenlee and seconded by Linda Bowen to go into an executive session. All of Council agreed with 6 ayes.

A motion was made by Karyn Selle and seconded by John Bolek to come out of the executive session. All of Council agreed with 6 ayes.

The meeting was adjourned at 10:00pm. following a motion by Beatrice Greenlee and seconded by Linda Bowen. John Schlueter stated that he felt with the fire contract with Walton Hills it was just an interpretation problem. John Schlueter stated that maybe Chief Vojtush need to meet with Council discussions regarding this matter, prior to everyone meeting with Walton Hills, so that we know where he is coming from. John Schlueter stated that he feels that everyone owes Chief Vojtush an opportunity to tell his story. Karyn Selle stated can we do that meeting at 6p on April 11<sup>th</sup> and then meet with Walton Hills at 6:30p. Brad Bryan stated that yes, as needed meant they contact us. In July it was made clear to Chief Vojtush, and no one else, but he didn't respond in a timely manner. Brad stated that he was informed later that Walton Hills was not satisfied. Chief Vojtush has stated to Brad that they will start doing two inspections a week. Mayor Nehez and Brad Bryan have stated to Chief Vojtush that they want these inspections done weekly. It was told to Chief Vojtush that they need to show Mayor Hurst and the building inspector progress is being made, and give copies of the inspections to them, but that didn't happen. Karyn Selle stated that it may have been done, but what was passed on to Council maybe was not correct. John Schlueter states that it is only right with Village employees, to give them the benefit of the doubt. John Schlueter stated that it is only right to give Chief Vojtush the respect that is due to him. Brad Bryan stated that it is the same Walton Hills Law Director but he feels that they are disappointed because we didn't enter into a dispatching agreement with them. Mayor Nehez stated that 6p-7p on April 11<sup>th</sup>, Chief Vojtush will meet with Council and Mayor Nehez and then meet with Walton Hills at 7p.

The motion for adjournment carried with 6 ayes.

**Respectfully Submitted by;**

**Attest:**

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Lisa M. Rodriguez, Administrative Clerk

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President of Council

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Clerk of Council