

The Village of Northfield

REGULAR COUNCIL MEETING

October 25, 2017

The meeting was called to order by Mayor Nehez at 7:30p.m.

The Pledge of Allegiance was led by Mayor Nehez.

ROLL CALL was read by Tricia Ingrassia. The following were present: Mayor Nehez, Council Persons Keith Czerr, Jenn Domzalski, Alan Hipps, Renell Noack, and Gary Vojtush. Also present were Law Director Brad Bryan, Fire Chief Jason Buss, and Service Director, Jason Walters.

APPROVAL OF THE MINUTES:

A motion to approve the Minutes of the October 11, 2017 Council Meeting was made by Mr. Hipps, seconded by Ms. Noack. All were in favor of approving the Minutes from the October 11, 2017 Council Meeting, none opposed.

PRESENTATION OF PETITIONS, MEMORIALS, AND REMONSTRANCES:

At this time Mr. Ken Fisher, attorney for Northfield Park Associates, LLC, stood up to address the Mayor and Council regarding the Hard Rock Rocksino's support of legislation number 2017-78 prohibiting medical marijuana cultivation, processing, and dispensaries within the Village of Northfield. Mr. Fisher made reference to the Council Work Session discussion and correspondence from Mr. Milstein addressed to Mr. Bryan that was intended to be shared with the Mayor, Council and the administration dated October 20, 2017. Mr. Fisher continued that his client, the Rocksino and specifically Mr. Milstein, have made a lengthy commitment to the Village, created significant employment in the Village, brought \$5,000,000.00 in annual revenue to the Village. Mr. Fisher continued his client feels it should have an opinion on the matter of a medical marijuana dispensary locating within the boundaries of the Village. Mr. Fisher stated that Mr. Milstein's very strong and heart-felt opinion is a medical marijuana dispensary would have a damning effect on the Village. Mr. Fisher continued Mr. Milstein feels the Village has evolved over the years into the positive community it is, a strong residential community with a tax-base that is strong. Mr. Fisher stated allowing a medical marijuana dispensary would be detrimental to the Village's image. Mr. Fisher added Mr. Milstein's opinion is offered in the spirit of protecting not only the investment he has made in the community in bringing the Hard Rock Rocksino to the Village, but also in protecting the positive image that the Village has worked hard to change over a period of time.

Ms. Domzalski stated she understands and appreciates Mr. Milstein's opinion. Ms. Domzalski continued her impression of the strong letter from Mr. Milstein is that insinuates that there would be people walking around the Village with marijuana joints hanging out of their mouths causing trouble. Ms. Domzalski asked Mr. Fisher what the Hard Rock Rocksino is doing to stop the heroin epidemic that is currently affecting the Village negatively. Ms. Domzalski stated there have been numerous overdoses in the Village. Mr. Fisher responded the proof is in his client's reputable business within the Village which has the highest generating revenue of any racino/casino in the State of Ohio, the manner in which his business is conducted, and the safe environment that his client has created within the footprint of which he controls. Mr. Fisher stat-

ed Mr. Milstein can only be responsible for his business. Mr. Fisher stated the State of Ohio has allowed each community to decide whether medical marijuana facilities should be permitted within a municipality's borders, and only they can decide whether these facilities are suitable for their cities and villages. Ms. Domzalski stated if Council were to go against Mr. Milstein's strong opinion, inevitably Mr. Milstein would treat the Village differently. Mr. Fisher disagreed with that statement and stated his purpose is to request Council support the legislation prohibiting medical marijuana within the Village boundaries. Mr. Fisher stated he walked into the Work Session and understands that Councilor Hipps has very strong opinions regarding the medical marijuana facility. Mr. Hipps stated he was reiterating the residents' opinions with whom he spoke, and that was not necessarily his opinion on the matter. Mr. Hipps asked if the Village were considering permitting a new hotel in the Village or a new gas station wanted to come into the Village, would Mr. Milstein send a letter in opposition to those businesses. Mr. Fisher stated he cannot speak to that. Mr. Vojtush asked Mr. Fisher if this opinion was that solely of Mr. Milstein, or does the board of the Hard Rock also agree with this opinion. Mr. Fisher indicated the opinion is shared by both Mr. Milstein and the board. Mr. Vojtush stated the Hard Rock in Las Vegas, Nevada has at least twelve medical marijuana dispensaries within two miles of their location. Mr. Vojtush asked if the Las Vegas Hard Rock was pursuing getting those dispensaries closed. Mr. Fisher stated he doesn't know Nevada law on medical marijuana, nor does he know the Las Vegas Hard Rock's position on medical marijuana.

At this time, Mr. Ian Gryzbowski, a vendor proposing opening a medical marijuana dispensary in the Village, took the floor to state he felt the letter from the Hard Rock Rocksino seemed like a veiled threat. Mr. Gryzbowski stated when corporations or businesses force the hand of Council members it is similar to organized crime, i.e. the Mafia. Mr. Gryzbowski stated he isn't implying that the Rocksino has ties to the mafia, but there are suicides due to gambling debts, there are people suffering from alcoholism, and the Rocksino is worried about people accessing medical marijuana to help manage their Tourette's syndrome. Mr. Gryzbowski stated he hopes the Council wouldn't feel their hands are being forced by this over-arching corporation holding threats over their heads.

At this time, Ms. Christine McCoy addressed Council regarding the proposed medical marijuana dispensary. Ms. McCoy stated she is Mr. Gryzbowski's mother and identified the reason for their desire to bring a medical marijuana dispensary to the Village as a way to establish a professional location run by a pharmacist in a proper manner in the best interests of the community. Ms. McCoy stated she doesn't understand the reluctance to allow a medical marijuana dispensary when there is a CVS on the corner selling opioids which is a national issue. Ms. McCoy stated she would hope that Council would move forward as there are many benefits to many illnesses in using medical marijuana.

REPORTS OF MUNICIPAL OFFICERS:

Mayor Jesse Nehez – Mayor Nehez stated he has received a lot of positive feedback on the Village's decision to not participate in the feasibility study with the City of Macedonia.

Finance Director, Tricia Ingrassia – Ms. Ingrassia stated on the agenda this evening is Resolution 2017-75 regarding the creation of a property improvement fund. Ms. Ingrassia recommended the Resolution should be held for third reading. Ms. Ingrassia continued she had reached out to the Ohio Auditor of State's office to review the legislation to insure it would approve the fund.

Ms. Ingrassia said she sent the minor changes to Mr. Bryan for review, he made the changes requested by the Auditor's office, but she had not resent the revised legislation for approval from the Auditor's Office.

Ms. Ingrassia stated Resolution 2017-80, accepting the rates as determined by the Summit County Budget Commission, is an annual housekeeping measure necessary for next year's budget and appropriations.

Ms. Ingrassia explained the reasons for Resolution 2017-81, the necessary amendments to the appropriations.

Ms. Ingrassia next discussed a topic Mr. Vojtush brought to the Council floor at the October 11, 2017 meeting. Ms. Ingrassia stated she wished to address the question and some comments from Mr. Vojtush at that meeting. Ms. Ingrassia quoted Mr. Vojtush's key questions and comments from the prior meeting stating, there were quite a few line items that were over and above the budgeted amount. Ms. Ingrassia answered parameters can be put in place within the accounting software to prevent encumbrances and expenses from exceeding the individual account's appropriation approved by Council; however, the manner in which Council approved the appropriation ordinance does not mandate this level of control. Ms. Ingrassia continued the administration had accounting software that was hard-wired to prevent excess spending in individual line items from exceeding the original appropriation, but it was later determined by herself and the Mayor this software was antiquated. Ms. Ingrassia stated having to bring numerous amendments to the appropriations in 2016 was frowned upon by Mr. Vojtush, and now Mr. Vojtush is questioning why the individual accounts are not micro-managed. Ms. Ingrassia stated what the Village's legal level of control was in the appropriation ordinance approved by Council, but also spoke about the management level of control, which states if an individual line item does not exceed the legal level of control as approved by Council, then amendments to the affected individual account are not required. Ms. Ingrassia continued quoting Mr. Vojtush's statement that small line items turns into big line items if it is not being watched, that Mr. Vojtush is aware that the Village can re-appropriate money, but that the fund should've been watched in the meantime. Ms. Ingrassia asked both Chief Buss and Mr. Walters how often she addresses their expenses within their departments. Chief Buss stated there is no purchasing within the Fire Department that does not receive comments from Ms. Ingrassia unless it is office and building supplies. Mr. Walters stated he receives numerous inquiries about the nature of the Service Department's spending. The final comment Ms. Ingrassia addressed from Mr. Vojtush was if the Village is exceeding its spending by so much, perhaps the budget wasn't created properly. Ms. Ingrassia asked Mr. Bryan if there was anything legally wrong with the appropriations passed by Council for 2017. Mr. Bryan stated there was not anything legally wrong with how the appropriations were made. Mr. Bryan added for clarification that the Village is currently within the legal level of control, but this response is to why individual accounts below that legal level of control have exceeded their original appropriations. Ms. Ingrassia continued the original appropriations for all funds for budget year 2017 were \$9,318,746.77, the Council approved amendments to the 2017 appropriations increased the budget to \$9,604,486.77, and of those appropriations, \$6,544,664.91 has been spent. Ms. Ingrassia stated the percentage of funds remaining for expenditures as of October 25, 2017 is 32%, and the required amount necessary to finish the year is less than 25%. Additionally, Ms. Ingrassia stated Council approved appropriations for the General Fund only were \$5,457,573.62, and the Council approved amendments to the General Fund have decreased appropriations to \$5.2M. Ms. Ingrassia added of the \$5.2M appropriated for the General Fund, \$3.9M has been spent to date. Ms. Ingrassia stated the percentage of funds re-

maintaining for expenditures as of October 25, 2017 is 25%, and less than that is required to finish out the year, putting the General Fund better than on target. Ms. Ingrassia stated questioning the individual line items doesn't give an accurate picture of all funds. Mr. Bryan asked Ms. Ingrassia to clarify why the object lines can sometimes run over the original appropriations and how it's nearly impossible to predict expenses that arise. Ms. Ingrassia stated there is no crystal ball that can accurately determine what will occur in a budget year. Ms. Ingrassia stated she cannot predict truck failures, vehicles being in accidents, Council's decision to increase the scope of work on a sewer project or road project. Ms. Ingrassia stated all she can do is make sure that when an unplanned expense occurs, the Village's appropriations remain within the legal level of control with the appropriations that were originally approved by Council. Mr. Vojtush commented he does worry about the little things that can become big things because he is looking out for the citizens. Ms. Ingrassia stated she understands the need for watching the budget, but the manner in which Mr. Vojtush chooses to ask the questions is sometimes inappropriate. Mr. Vojtush said he often feels Ms. Ingrassia does not handle herself in a professional manner during meetings. Ms. Ingrassia stated she would take that under advisement.

Engineer, Rich Wasosky – Mr. Wasosky will be at the next regular Council Meeting.

Law Director, Brad Bryan – Mr. Bryan stated the second November Council Meeting falls on the day before Thanksgiving. Mr. Bryan asked if Council would like to reschedule that meeting to a different date. A motion to change the second regular Council Meeting in November to Monday, November 20, 2017 at 7:30pm was made by Mr. Hipps, seconded by Ms. Domzalski. All were in favor of the date change to the second November Council Meeting, none opposed. Ms. Ingrassia asked if the Finance Committee meeting would be held that day as well, and Mr. Bryan stated that was correct. Ms. Domzalski requested the time for the Finance Committee meeting be 7:00pm. Mr. Bryan requested Ms. Ingrassia notify the media of the date change.

Mr. Bryan discussed Summit County's efforts to fight the opioid epidemic via litigation. Mr. Bryan stated this was officially announced today during the State of the County address by the Summit County Executive. Mr. Bryan continued the County is requesting all municipalities to join this effort. There would be no cost to the Village; the legal work would be performed on a contingency basis. Mr. Bryan stated participation would require documentation by the Police and Fire Departments regarding their responses to overdose calls. Mr. Bryan stated the County has asked the municipalities to decide whether they will participate by the second November Council Meeting. Mr. Bryan listed several of the communities that intend to participate. Mr. Hipps asked Mr. Bryan whom the County plans to file suit against. Mr. Bryan indicated the suit would be brought against the drug companies.

DEPARTMENT HEADS:

Police Department, Chief John Zoligus – Chief Zoligus will be at the next regular Council Meeting.

Fire Department, Chief Jason Buss – Report attached.

Chief Buss stated the Fire Department members wished to thank the members of Council for their continued support of the Fire Department.

Regarding the November 20, 2017 Council Meeting, Chief Buss indicated Bowen and Associates would like to present their renderings to Council at 6:00pm.

Chief Buss also added the Fire Department has smoke and carbon monoxide detectors available to residents at no charge.

Finally, Chief Buss recognized Lt. Zemek, FF DiSanto, and FF Alyssa Fox who will be honored at the University Hospitals Survivors Dinner for providing life-saving cardiac care to a Hard Rock patron. Chief Buss said the patron had a cardiac critical medical episode, but the patron survived due in part to these three Northfield Fire Department members' care.

Service Department, Jason Walters – Report attached.

Regarding the purchase of salt, Mr. Vojtush asked if there is a place to house 800 tons of road salt. Mr. Walters stated the Village is not required to order all 800 tons at once. Ms. Noack asked Mr. Walters how much salt was left over from last winter. Mr. Walters replied the Village has approximately 130-140 tons. Ms. Noack asked Mr. Walters why he is using the number 800 tons when the purchasing legislation states 960 tons. Mr. Walters said the number on the legislation includes the 20% overage in case more than 800 tons is required this winter. That way, the Department will not need to go back to Council for approval for the additional allotment in the event that it is needed.

REPORTS OF THE MUNICIPAL BOARDS AND COMMISSIONS:

Planning Commission, Mr. Hipps – Mr. Hipps stated November 15, 2017 there will be a Planning Commission meeting. Mr. Bryan advised Mr. Hipps he revised the agenda and Ms. Rodriguez should be sending that out soon. Mr. Hipps stated the Commission Members did receive the revised agenda earlier in the day.

Recreation Board, Mayor Nehez – Mayor Nehez advised the Recreation Board will meet Thursday, November 2, 2017 at 6:30pm to plan for the Veteran's gathering.

Cemetery Board, Mr. Magistrelli – Mr. Bryan stated there is no report in Mr. Magistrelli's absence.

REPORTS OF THE STANDING COMMITTEES:

Finance, Mr. Magistrelli – Ms. Noack stated the meeting this evening went well as it normally does in Mr. Magistrelli's absence. Ms. Domzalski advised the next Finance Committee meeting would be Monday, November 20th at 7:00pm.

Roads/Public Works, Mr. Czerr – Mr. Czerr reported he drove the Presidential Subdivision and the work performed is a 100% improvement. Mr. Czerr stated he spoke to numerous residents, and no complaints were received. Mr. Czerr asked if leveling out the sewers was going to be an issue for plow trucks. Mr. Walters did not foresee any issue with plowing due to the deep crowns.

Health and Welfare, Ms. Noack – No report.

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

Fire and Safety, Ms. Domzalski – No report.

Buildings and Grounds, Mr. Hipps – No report.

LEGISLATION:

2017-75 – An Emergency Resolution Establishing a New Fund Known as the Property Improvement Fund within the Financial Records of the Village (Second Reading). Mr. Bryan stated this piece of legislation will be placed on the agenda for the next meeting on third reading as we are waiting on approval from the Auditor of State's office.

2017-77 – An Emergency Ordinance Amending Chapter 1492 of the Codified Ordinances Relating to Notification of Foreclosure Filings or Vacant Properties (Second Reading). Mr. Bryan stated we do have an ordinance requiring properties in foreclosure to notify the Village and register a contact person should issues with the condition of a property come up. This legislation would expand that requirement to all vacant properties. A motion to suspend the three reading rule was made by Mr. Hipps, seconded by Mr. Vojtush. All were in favor of suspending the three reading rule, none opposed. A motion for passage was made by Mr. Vojtush, seconded by Mr. Hipps. All were in favor of passage, none opposed.

2017-78 – An Emergency Ordinance Enacting Chapter 889 of the Codified Ordinances Prohibiting Medical Marijuana Cultivators, Processors, and Retail Dispensaries from Locating and Operating in the Village (First Reading). Mr. Bryan stated this piece of legislation will be held on first reading and be placed on second reading at the next meeting because Mr. Magistrelli would like to be present for the vote.

2017-79 – An Emergency Resolution Authorizing the Purchase of Road Salt from Cargill through the Community University Education Purchasing Association (First Reading). A motion to suspend the three reading rule was made by Ms. Domzalski, seconded by Mr. Hipps. All were in favor of suspending the three reading rule, none opposed. A motion for passage was made by Ms. Domzalski, seconded by Ms. Noack. All were in favor of passage, none opposed.

2017-80 – An Emergency Resolution Accepting the Amounts and Rates as Determined by the Summit County Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the Fiscal Officer (First Reading). A motion to suspend the three reading rule was made by Mr. Vojtush, seconded by Ms. Domzalski. All were in favor of suspending the three reading rule, none opposed. A motion for passage was made by Mr. Vojtush, seconded by Ms. Domzalski. All were in favor of passage, none opposed.

2017-81 - An Emergency Resolution Authorizing Certain Amendments to the 2017 Appropriation Resolution and/or Transferring Items Already Appropriated in that Resolution (First Reading). A motion to suspend the three reading rule was made by Ms. Domzalski, seconded by Mr. Vojtush. All were in favor of suspending the three reading rule, none opposed. A

motion for passage was made by Mr. Vojtush, seconded by Mrs. Domzalski. All were in favor of passage, none opposed.

OLD BUSINESS; NEW BUSINESS; ANNOUNCEMENTS:

Mayor Nehez again stated he is pleased with the overwhelming support for non-participation in the feasibility study with the City of Macedonia. Mayor Nehez thanked Council for their strong stance on that as well.

Mr. Bryan stated he would be out of the Country starting tomorrow until Tuesday, October 31, 2017. He will be able to be contacted by cell phone or email from Friday through Sunday.

Ms. Noack reminded the residents about the Halloween Party on October 31, 2017 from 6:00-8:00pm. Ms. Noack also reminded everyone that the Veteran's Day celebration will be held on November 12, 2017 from 6:00-8:00pm in Council Chambers.

ADJOURNMENT:

A motion to adjourn was made by Ms. Domzalski, seconded by Ms. Noack. All were in favor of adjournment, none opposed. Meeting adjourned at 8:28pm.

Respectfully submitted by:

Tricia Ingrassia, Clerk of Council

The Village of Northfield Fire Department

10271 Northfield Road • Northfield, OH 44067

330-467-7139 ext 22 • 330-467-7152 FAX

Fire Chief Jason L. Buss

330-523-9422 Business Cell

firechief@northfieldvillage-oh.gov

October 25th, 2017

Activity Report

- A detailed copy of fire department activity is available upon request.
- As of *October 25th, 2017*, NVFD responded to a total of **615** incidents. We responded to a total of 814 incidents in 2016. **495** of those incidents were EMS related and **120** incidents were FIRE related.
- NVFD has provided mutual aid for **24** incidents, provided automatic aid **18** times, and received mutual aid for **17** incidents and automatic aid for **1** Incidents. (*Total MA received in 2013 was 13, 2014 was 15, 2015 was 22, 2016 was 28*)
- NVFD's average response time from time of call till time on scene is **3:14**

Fire Inspector / Prevention Report (October 25, 2017)

- 58 Annual Fire Inspections have been completed
- 10 Hood/Duct/Alarm/Sprinkler Tests have been completed
- 63 Standby Events at Hard Rock Rocksino

Department News

Bowen Building Review – Would like to meet before the November 8th meeting to go over design concepts, costs and layouts.

Smoke & CO Detectors – We have smoke and CO detectors available at the fire station. If you know of any residents in need, please have them stop by the FD and we will give them detectors and even help them install them if needed.

Hard Rock Rocksino & NVRC Stats – NVFD responded to 83 medical / 3 fire incidents at the Hard Rock and 76 medical / 2 fire incidents at NVRC Since January 1, 2017.

Questions - ?

"Our Family Protecting Yours"

THE VILLAGE OF NORTHFIELD

199 LEDGE RD NORTHFIELD VILLAGE, OHIO 44067

330 468 4363 Fax: 330 908 7014 *Harold Jason Walters*, Service/Building Department Superintendent

Department of Public Service Report, October 25, 2017

1. **Village Leaf Pickup Program:** The Service Department will begin to pick-up leaves starting next Monday, October 30th through November 22nd. Pickup will start on the east side of the Village with Ward C then Ward B. Once this side is complete they will then move to the west side of the Village to pickup Ward A and then Ward D. There is a chance that we may start later, will assess the residents leaf piles by Monday and make a decision.
2. **Senior Snow Plowing Program** – Senior snow plowing signups are almost to an end on next Tuesday, October 31st being the last day. ALL SENIOR Northfield Village residents who want to utilize the Village's Senior Snow Plowing Service are urged to sign up early for the 2017-2018 season at the Service Department Offices at 199 Ledge Road. As of today there are 146 seniors on the list; last year in 2016 we had a total of 179 driveways to plow.
3. **Pot Holes** – We have completed our list and if any major concerns needing addressed please contact me.
4. **Point of Sale Inspections -** As of September 25th meeting we had completed 65 inspections. To date we have completed 71 point of sale inspections on residential properties. Of those 71 properties, 45 have been sold thus far.
5. **Property Violations -** We currently have 40 property violations pending.
6. **Presidential Rd. Project** – The paving is completed and now we are dealing with the restoration and elevation of manholes and water meters. We also have some driveway issues that we are going to have to review and considering the best option for each situation.

Thank you, *Harold J. Walters*

HJW;lmr