

**REGULAR SESSION OF COUNCIL  
MINUTES  
JANUARY 5, 2016**

Council President Swan called the meeting to order at 6:30 pm. The Pledge of Allegiance followed.

ROLL CALL: Ellis (arrived at 6:48 pm), Healey, Kahoe, Lanford, Lyons and Swan ABSENT: Hudak.

OTHERS PRESENT: Mayor Beshara, Police Chief Morgan, Fire Chief Mihalek, Service Director Baker, Park and Recreation Director Jocek, Planning & Zoning Director Frantz, Finance Director Turk, Law Director Hanna.

**APPROVAL OF MINUTES:**

**MOTION:** TO APPROVE THE MINUTES FROM DECEMBER 15, 2015 WORK SESSION AND REGULAR MEETING AS CORRECTED.

Moved by Kahoe seconded by Lanford. ROLL CALL: Healey, abstain; Kahoe, yea; Lanford, yea; Lyons, yea; Swan, yea. Motion passed.

**DISCUSSION:** Mayor noted that in Work Session minutes it should be Mr. Lyons instead of Mayor Lyons (correction made).

**COMMUNICATIONS AND PETITIONS:** None.

**MAYOR'S REPORT:**

- Reported that the swearing in ceremony held last night was well attended and thanked Judge McKenney for presiding at the ceremony.
- Asked for an Executive Session for land acquisition and economic development at the end of the work session. There would be no action.

**DEPARTMENT HEAD REPORTS:**

**Chief Morgan – Police**

Report stood as submitted.

Report

On December 15, 2015 Attorney General Mike Dewine provided a detailed opinion regarding the number of PSAPs that could be operated within a countywide 911 system.

The conclusion of the Attorney General's opinion states:

Based upon the foregoing, it is our opinion, and you are hereby advised that a countywide 9-1-1 system may operate more than the number of wireless public safety answering points specified in R.C. 128.571 and receive a full disbursement of moneys from the wireless 9-1-1 government assistance fund pursuant to R.C. 128.55, so long as the number of wireless public safety answering points for which a county uses those moneys does not exceed the number specified in R.C. 128.571. (2009 Op. Att'y Gen. No. 2009-031, overruled, on the basis of statutory amendment).

The Richfield communications center will continue to answer 911 wireless calls in the same manner that was previously been provided. The department will no longer receive a disbursement of money from the 911 assistance fund. The money received from this year is well below one-thousand dollars.

Chief Morgan additionally gave the numbers for December with 1250 Village and 237 Township.

Chief Morgan also called attention to the Attorney General's opinion on PSAPS which allows any municipality to have a 911 call center, but only the 5 designated will be funded. The Village will continue receiving 911 calls directly. There was only \$1,000 received last year for PSAP operation.

### **Chief Mihalek – Fire**

Report stood as submitted.

#### Report

With the current trending of heavy rains and precipitation, we remind our community to stay away from any flooded roadways and keep children away from creeks and rivers.  
We welcome Legacy Assisted Living, they now have their first residents living at their facility. We will continue to work closely with them on response plans and emergency medical care.  
We hope everyone had a joyous new year and the Richfield Fire Department looks forward to serving Richfield in 2016.

Chief Mihalek added his December numbers of Township Fire 5, Township EMS 15, Village Fire 13, Village EMS of 32, Mutual aid given 8, Mutual aid received 1, for a total of 73 calls.

### **Director Baker-Service**

No report submitted.

#### Report

Director Baker indicated that two pieces of legislation were submitted and requested that the spot paving of I-77 be passed tonight. It was received late in the month of December and needs to be turned into ODOT by January 25<sup>th</sup>. President Swan questioned the cap of \$350,000 on the Summit County maintenance legislation. Director Baker stated that this is for the bidding that the County conducts and that the exact roads that will be paved will not be known until after the winter.

### **Director Jocek: - Recreation**

No report submitted.

#### Report

Director Jocek reported that the ice rink is still not frozen as she fell through the small layer of ice.

Director Jocek reported that there will be an open house Saturday at 11:30 am to discuss the exercise program and view the new equipment. The Recreation Department is working on the spring and summer programs.

### **Director Frantz – Planning and Zoning**

No report submitted.

#### Report:

Director Frantz reported:

- That on next Tuesday's Planning and Zoning agenda will be a discussion with Road Masters, a truck driver training company, on their occupancy of the Bencin property. They are planning a 10-year lease on the front building.
- That at either the January 26<sup>th</sup> or February 9<sup>th</sup> meeting a preliminary plat for the Kinross Parkway extension is being planned.
- Curtis Baker, is temporarily working in the AMATS director position. Jason Segedy, new Planning Director of Akron, will be making the final decision on a replacement.
- Reminded Council that on January 26<sup>th</sup> (at either 6:30 or 7:00 pm) the Planning Commission will be holding a joint meeting with Council and the Historical Society on the Knopp House. There will also be discussion on the Service garage property.

**Director Turk - Finance**  
Report stood as submitted.

Report:

**Income Tax Collections**

I will send out the final income tax collection report late next week. As of today, December 2015 collections are up 7.6% for the month. For the year 2015, collections are up 4.1%, or \$357,949 over 2014. The 2016 budget built in a 2% increase for income tax collections over 2015.

**Affordable Care Act Reporting Deadlines Extended**

The IRS extended the due date for providing the 2015 forms 1095-B and 1095-C to full-time employees from January 31, 2016, until March 31, 2016. They also extended the 2015 forms 1094-B, 1094-C, and 1095-C from February 29, 2016 to May 31, 2016 if not filing electronically, and from March 31, 2016, to June 30, 2016 if filing electronically.

**Municipal Derivatives Antitrust Litigation Still Outstanding**

A year ago now in conjunction with Walter Haverfield, we filed the necessary paperwork to be considered a claimant in the Municipal Derivatives Antitrust class action lawsuit. The lawsuit is regarding the sale of municipal derivative transactions in the United States from January 1, 1992 through August 18, 2011. The lawsuit claims that there was bid-rigging in the sale of municipal derivatives by several companies including Morgan Stanley, JP Morgan Chase & Co., Wachovia Bank, and others. Included in the Class are state, local, or municipal government entities, independent government agencies, and private entities that purchased municipal derivative transactions. The Village did enter into a SWAP Agreement with JP Morgan Chase & Co. on October 22, 2003 which matured on October 22, 2013 in relation to the \$8,970,000 note for the Administration complex. This SWAP agreement may be a qualifying transaction for this class action lawsuit. We still have not heard anything in relation to the paperwork that was filed.

**Property Tax Exemption Applications Awaiting Approval**

In late 2013, the Village purchased property from the Novak Trust and the Costanzo's. Applications for property tax exemptions are not filed until the year following the acquisition of the property. Hence, I completed the Applications for Real Property Tax Exemptions and Remission forms for both the properties mentioned above. The approval of the exemptions may take up to two years to complete. We are still awaiting the ruling by the Ohio Department of Taxation on our applications for exemption. During the pending exemption process, we are not required to pay the real estate portion of the tax bill. Since we officially acquired the Lobazo property this month, I will complete and file the Application for Real Property Tax Exemption later this year.

**Property and Casualty Insurance**

Our property and casualty insurance with Ohio Plan expires on March 1, 2016. The renewal will dictate what action we will take to get this plan in place by March 1<sup>st</sup>.

**2015 Budget**

We are working on closing out the 2015 financial books. Once these books are closed we will load the 2016 budget appropriations and begin working on the 2015 annual report.

**Law Director Hanna**

No report.

REPORT OF COMMITTEES: NO REPORTS were given. Council members were asked to indicate their committee(s) of choice over the next few days so that assignments could be made at the next meeting.

**Mr. Kahoe – Tree and Landscape Committee; Building & Grounds**

No report.

**Mr. Ellis- Safety Committee**

No report.

**Mr. Hudak- Finance**

No report.

**President Swan- Planning & Zoning Commission; Cemetery Board**

**Mr. Lyons**

**Mrs. Lanford – Human Services Commission and Parks & Recreation Board Representative**

**CAUCUS (Council's discussion of agenda items, including motions to modify agenda)**

There was a discussion on Ordinances and Resolutions on the agenda. The only modification to the agenda was to add Resolutions 1-2016 and 2-2016.

**MOTION:** TO ADD RESOLUTIONS 1-2016 and 2-2016 TO TONIGHTS AGENDA.

Moved by Lyons seconded by Kahoe. Upon roll call motion passed unanimously.

**COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY**

Sue Serdinak, Richfield Times, wanted a list of roads that would be receiving maintenance in 2016. Director Baker indicated that it is believed that Motor Road, Fox Run and Pine Lane will be on the list, but reserves the right to wait until after the winter to be sure these are still the roads that need the most maintenance. Sue Serdinak indicated that she felt work was needed on Everett, especially since the County received \$900,000 in 2008 and has not yet spent it on Everett Road. Mayor Beshara indicated that she had mentioned this road to the County Engineer during a chance meeting and he felt that the County would be working on it.

**ORDINANCES AND RESOLUTIONS.***First Readings:*

**RESOLUTION 1-2016** Offered by All of Council

**A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION FOR SPOT PAVING OF INTERSTATE 77 WITHIN THE VILLAGE IN FISCAL YEAR 2016, AND DECLARING AN EMERGENCY (ODOT PID NO. 99702).**

**MOTION:** TO SUSPEND 2<sup>ND</sup> AND 3<sup>RD</sup> READINGS OF RESOLUTION 1-2016.

Moved by Lanford seconded by Kahoe. Upon roll call motion passed unanimously.

**MOTION:** TO ADOPT RESOLUTION 1-2016.

Moved by Lanford seconded by Kahoe. Upon roll call motion passed unanimously.

**DISCUSSION:** None.

**RESOLUTION 2-2016** Offered by All of Council

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUMMIT COUNTY FOR THE MAINTENANCE OF ROADWAYS LOCATED WITHIN THE VILLAGE AND DECLARING AN EMERGENCY.**

*Second Readings:*

**ORDINANCE 85-2015** Offered by All of Council Referred to P&Z 12/1

**AN ORDINANCE TO ADOPT UPDATED SUBDIVISION RULES AND REGULATIONS, AS PROPOSED BY THE PLANNING AND ZONING COMMISSION, AND TO REPEAL ORDINANCE NO. 40-1994 AND OTHER ORDINANCES INCONSISTENT.**

Returned from P&Z. Public Hearing set for January 19<sup>th</sup> at 7:45 pm.

*Third Readings:*

**RESOLUTION 79-2015** Offered by All of Council

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH FEDERAL SIGNAL FOR THE PURCHASE OF ONE OUTDOOR WARNING SIREN SYSTEM, AND DECLARING AN EMERGENCY.**

Inactive Items:

**ORDINANCE 66-2015 Offered by All of Council Referred to P&Z for 60 days on 9/15; Recommendation returned undecided; Meeting w/P&Z, Historical Society and Council at 1/26/16 P&Z meeting.**

**AN ORDINANCE DETERMINING THAT THE KNOPP HOUSE SHOULD BE MOVED FROM ITS PRESENT LOCATION TO A LOCATION ADJACENT TO THE OLD TOWN HALL.**

UNFINISHED BUSINESS: Mayor Beshara reminded Council of the RJRD Strategy Meeting on January 7<sup>th</sup> at 5 pm. There is another Strategy Meeting on January 21<sup>st</sup> at 5 pm. Both of them are being held in the Mayor's conference room.

President Swan handed out a list of Council Committees and representative positions that he would like Council members to sign up for their favorite ones. There is the possibility of combining a couple of the committees and possibly adding an RJRD representative position. This will be discussed at the next meeting.

NEW BUSINESS: None.

COMMENTS FROM THE FLOOR (On any item): Robert Glover, 3905 Mill Street, indicated that the new meeting format is going to take some time to adjust too.

## WORK SESSION

### Discussion Topics

#### 1. Knopp House (details/direction for Jan. 25th meeting) discussion

Mr. Lyons wanted to know how the meeting on January 26<sup>th</sup> would be set up. Direct Frantz indicated that he would be getting with Council and Historical Society presidents to work on the format. It will be ready for the next Council meeting. Director Baker indicated that she has learned that there are many steps and permits to obtain in order to move the Knopp House. Mrs. Lanford indicated that there was a suggestion to give the house to Jim Fry to move to his location. Mr. Kahoe indicated that Mr. Wheeler is still working on this option. Mrs. Healey indicated that Mr. Fry would only be taking a portion of the Knopp House and that it would be added to a building on his property and not left as a standalone structure. Director Baker is going to look into any differences in costs in moving the house as a complete structure or as disassembled structure.

### Old Business

Mr. Lyons wanted Council to use this time to do a broader analysis on the needs of the Service Department and the grounds currently occupied by the storage building. The analysis would look at the ultimate needs of the Service Department, and ideal use of the entire property. There was a discussion between Mr. Lyons and Mr. Kahoe on the need of this comprehensive and strategic analysis of the Service Department facilities. President Swan felt that the Village was in for about \$50,000 and committed to using the current building. Mrs. Lanford felt that until the bids are accepted the Village is not committed and that there hasn't been an evaluation as to whether the current building meets the Service Department needs. Mrs. Lanford wanted to know what had happened with P&Z's requirements. Director Frantz indicated that there is a problem with the outdoor storage done at the building and that this will increase with the current changes planned for the building. P&Z wants to make sure that the Village is not treated any differently than any other applicant. There are also some landscape and architectural items to be reconciled. Director Baker does have plans (preliminary – from when the school was going to do a cooperative venture) available and will provide them at the next work session. Paul Swan, 3858 Humphrey Road, felt that the Village should not be paying someone in the Township to move the Knopp House out of the Village. Mr. Lyons indicated that the house would not be moving until spring and that Council can take its time to make the final decision and any speculation on where that would be is premature.

Mrs. Healey felt that the layout of the Village Green needs to be added to the discussion of the Knopp House.

Mayor Beshara wants the possibility of permeable concrete added to any discussions/bids for the road behind Town Hall.

Director Frantz reminded Council to look at the Subdivision Regulations that were handed out previously. A consultant will be here on January 19<sup>th</sup> to present the major items that are changed/added to the regulations. This is the date of the Public Hearing.

**New Business**

None.

**MOTION:** TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSES OF 1) LAND ACQUISITION; AND 2) CONSIDERING CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRAGTEGY, PRODUCTION TECHNIQUES, TRADE SECRETS OR PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT FOR ECONOMIC ASSISTANCE WHICH IS DIRECTLY RELATED TO A REQUEST FOR ECONOMIC DEVELOPMENT TO BE PROVIDED PURSANT TO A PROVISION OF CHAPTER 715, 725 OR 5709 OF THE OHIO REVISED CODE.

Moved by Lyons seconded by Ellis. Upon roll call motion passed unanimously.

*Council Adjourned to Executive Session at 7:45 pm and returned at 8:15 pm.*

**MOTION:** TO APPROVE DELORES LEFLER TO RECORDS COMMISSION.

Moved by Ellis seconded by Healey. Upon roll call motion passed unanimously.

**MOTION:** TO APPROVE REAPPOINTMENTS AS RECOMMENDED BY THE MAYOR.

(Human Services – Paul Swan; Parks and Recreation Board – Brian Stulak; Cemetery Board – Jayne Sission (Fairview) and Paul Swan (West Richfield); Planning & Zoning Commission – Dan Holahan; Board of Zoning Appeals – Pete Schueler)

Moved by Kahoe seconded by Ellis. Upon roll call motion passed unanimously.

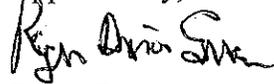
ADOURNMENT: President Swan adjourned the meeting at 8:23 pm.

Respectfully submitted,



Carolyn Sullivan  
Council Clerk

Approved by,



Roger Davis Swan  
President of Council