



**REGULAR SESSION OF COUNCIL
MINUTES
MARCH 15, 2016**

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

ROLL CALL: Ellis, Healey, Hudak, Kahoe, Lanford, Lyons (6:35) and Swan ABSENT: None.
OTHERS PRESENT: Police Chief Morgan, Fire Chief Mihalek, Service Director Baker, Recreation Director Jocek, Planning & Zoning Director Frantz, Finance Director Turk, Law Director Hanna.

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES FROM MARCH 1, 2016 REGULAR MEETING AS SUBMITTED.

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

DISCUSSION: None.

COMMUNICATIONS AND PETITIONS: The Dept. of Liquor Control notice of Memories license change was discussed and it was decided that no hearing would be required. Council Clerk would notify them of the decision.

MAYOR'S REPORT:

- None.

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

Report stood as submitted.

Report

The School Resource Officer contract is ending this year. The administration is going to begin discussion with Bath Township and Revere regarding the renewal of the program.

There have been increasing numbers of IRS scams reported to the police department in recent weeks. Should anyone receive a questionable call do not provide any personal information and contact the police department.

Two officers will be attending Naloxone training at the Summit County Health Department at the end of March. Naloxone is being provided at no cost to assist medical personnel with the care of individuals experiencing a heroin overdose.

Chief Mihalek – Fire

Report stood as submitted.

Report

A reminder to change your smoke detector batteries during daylight savings time. Smoke detectors save lives and in most cases the cause of a non-functioning smoke detector is a dead battery.

We have successfully renewed our drug license with the State of Ohio Board of Pharmacy. This license allows us to carry and utilize all of the life-saving drugs that we carry on our rescue squads.

Lastly, we have also applied for a State of Ohio EMS grant to purchase some emergency medical devices that will target and benefit our elder population. We will hear word in July if we receive this grant.

Director Baker-Service

Report stood as submitted.

Report

Legislation – None.

Expenditure Request – None.

Projects

Service Director out to bid for the Masonic Temple Bathroom Renovations

The Service Director along with Mann Architects was out for bid for the renovation of the Masonic bathrooms. Due to an extensive amount of questions a last minute addenda went out with in the 72 hour period prior to bid. Since this addendum went out we are required to postpone the bid opening by 7 days. Therefore the bid opening was extended to Wednesday March 16, 2016 at 1:00 p.m.

I will respectfully be requesting a special meeting for the following Monday or Tuesday (March 21 or 22) in order to have a reading and suspend the readings to allow the Village to enter into a contract with the successful bidder.

We are on schedule and will be opening the bids tomorrow at 1:00 p.m. The need for the a special meeting or approval by motion to enter into a contract with the lowest and best bidder is so that we can award this project in a timely fashion to allow the work to begin as soon as possible so that the bathrooms and work can be completed on or before April 22, 2016.

Water line cost estimates

I requested price quotes for water line extensions as approved by Council at their February 16th Council meeting. I requested price quotes for Amelia, Donna, Monica, Paula and Richlawn as well as for quotes for water in the center of town from the Town Hall on Streetsboro Road to Southern Road, and for Broadview Road from the Village / Township line to the north and Appleridge on the south.

GPD and Arcadis will be providing these numbers by the close of today. I will present the final numbers to Council and will then follow up with legislation to enter into a contract with the engineer of choice. I will try and forward the price comparison via email by Monday afternoon.

I have received these numbers. I have asked for some clarification to ensure that the prices we are comparing for the same work scope.

Once the clarifications have been answered I will request legislation and forward to Council.

Sanitary sewer flow and rate study

I have met with Said Abou Abdallah, from Arcadis to discuss our need for updating our flow capacity report and review our rates and expenditures. I am waiting for the project details, work to be completed and deliverables as well as the price review for both projects. It is my hopes that this too will be delivered today and I can forward by Monday for discussion and then provide legislation to enter into contract to complete the project.

I have received these costs.

The total cost for the rate study is 26,000.00 and the total to complete the waste water flow capacity study is \$26,800.00.

These costs are considerably lower that what was allocated in the budget. I will forward this information to the law director and will have legislation prepared for the next Council meeting.

Mandatory referral for utility extensions.

Ordinance 16-2016 is a development agreement for the development of land located behind the Briarwood Subdivision off of State Route 303. As a part of the design and development, there will be the extension of sewer and water. As a reminder, when necessary the extension of sewer and water will need to be sent to the Planning and

Zoning Commission for review and recommendation as per the mandatory referral process according to the Charter.

Recommendations/Considerations: none.

Director Baker asked that Council pass a motion to allow the Mayor and Finance Director to enter into a contract with the lowest and best bidder. The reason for the request is to allow the Masonic bathroom work to be done in the window of time (March 21 to April 22) where there are no events in the facility. The bids would have been opened earlier, currently scheduled for the next day, but the period had to be extended for an additional week due to questions that came up. This motion would allow the bid to be accepted and work started, rather than waiting until April 5th for Council to accept the bid. The completion date of April 23rd is part of the bid documents. The estimated costs are around \$75,000. This motion would avoid a special meeting to accept the bid. Mrs. Lanford felt that this would be a bad idea to have this type of motion. Mr. Hudak felt that the alternative of having a special meeting without an audience, suspend second and third readings and pass at that meeting does not have merit; when we could achieve that same result with a motion when the audience was in attendance at a regular meeting. Director Jocek indicated that the bathrooms are being “jerry rigged” for the next event in the hopes that they can be used. Director

Baker had presented this bid legislation long enough in advance for the process to be done, but the questions that came up she was required by law to extend the bidding window for an additional week.

MOTION: TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO AWARD THE CONTRACT TO THE LOWEST AND BEST BIDDER FOR THE MASONIC BATHROOM RENNOVATIONS AS DESCRIBED IN RESOLUTION 11-2016.

Moved by Hudak seconded by Ellis. ROLL CALL: Ellis, yea, Healey, yea; Hudak, yea; Kahoe, nay; Lanford, nay, Lyons, yea; Swan, yea. Motion passed 5 to 2.

DISCUSSION: (See above)

Director Baker did get the water line design estimates but needs to clarify one item before giving them to Council and having legislation prepared.

Director Baker indicated that she had received the estimated costs for the sanitary sewer rate flow and rate update study from the engineer today and has done a preliminary review. Legislation will be prepared for the next meeting. The total costs came to \$50,000 which is \$25,000 less than previously estimated.

Ordinance 16-2016 will require a sewer extension that will need to be given to Planning & Zoning at the appropriate time. Director Baker just wanted everyone to be aware of this need.

Director Jocek: - Recreation

Report stood as submitted.

Report

- This coming weekend (March 19, 2016) the Parks and Recreation Department is sponsoring the second annual "The ART Show" at the Masonic Hall from 10 am – 4:00 pm. I hope everyone will be able to attend.
- On the same day we will hold our annual Easter Egg Hunt at 11 am at the Town Hall Pavilion. Don't be late it's over in a flash.
- We have been working on our Spring/Summer Brochure and are hoping it will be sent by the end of March. Do consider attending one of our great programs.
- In April we are expecting three new pieces of fitness equipment and are generating a list of residents who want to join the Recreation Center to be able to use the equipment. We plan on being available for use on week days from 11:30 am. On Monday and Wednesday until 8:00 pm and Tuesday and Thursday until 4:30 pm and Fridays until 4:00 pm. Come and try the equipment.

Director Jocek highlighted that the coming weekend will be the Easter Egg Hunt and the second annual Art Show.

Director Frantz – Planning and Zoning

Report stood as submitted.

Report:

- 1) At their meeting held on March 8, the Planning Commission heard the following cases:
 - a) A presubmission discussion for a proposed conference facility on the property located at 3647 Brecksville Road (Winar property). From these discussions, the Commission has determined the need to amend the Planning and Zoning Code by adding conference centers as a conditionally permitted use in the Office and Limited Industrial District. To begin the process of amending the Code, the Commission passed a motion requesting Village Council refer the proposal back to them for a formal recommendation.
 - b) A preliminary plan application for a major subdivision to 1) extend a public road over the land located at 4034 Wheatley Road; 2) dedicate 4034 Wheatley Road and the "flag" portion of parcel 5000041 into public right-of-way; 3) create a new approximate four-acre lot from the frontage of parcels

5001485 and 5000979 and; 4) consolidate the remaining portions of parcels 5000041 and 5000979 into existing parcel 5000004.

At this same meeting, the Planning Commission also recommended approval for the requested rezoning of the property located at 3928 Brecksville Road from the Office and Limited Industrial Zoning District to Commercial Historic II. By Code, Village Council is required to conduct a public hearing for this proposed amendment to the Zoning Code Map.

- 2) The Service Director and I met with an engineer from Spagnuolo & Associates to discuss conceptual plans to develop the property located at 3647 Brecksville Road (the Constantine property). Mr. Constantine has entered into a contract with KNL Homes to develop his 13-acre property with single-family homes. The project is in the very early stages but I will keep Council apprised as the plan progresses.

Recommendations/Considerations: Set public hearing for the rezoning of 3928 Brecksville Road.

Legislation: Approval of Ordinance 7-2016

Director Frantz requested that there be a special meeting on Tuesday, March 22 for an Executive Session on purchase of property and economic development. Mr. Hudak asked if it could be done on a Council meeting night. Director Frantz felt that it was time sensitive but was not currently ready to be completed. During discussion the date was change to March 29th.

MOTION: TO HAVE A SPECIAL MEETING ON MARCH 29 AT 6:30 PM FOR THE PURPOSE OF AN EXECUTIVE SESSION ON PROPERTY ACQUISITION AND ECONOMIC DEVELOPMENT.

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

DISCUSSION: (See above)

Director Frantz asked Council to refer a request from Planning and Zoning back to Planning and Zoning for the study on the addition of a conditional use of Conference Center to the OL/I district in the code. Mr. Hudak felt that this usage was already implied in the code. Director Frantz said that the Planning Commission feels that it is not currently allowable in the code.

MOTION: TO REFER TO PLANNING COMMISSION THE CONSIDERATION OF CONFERENCE CENTER TO BE ADDED TO OL/I AS A CONDITIONAL USE FOR RECOMMENDATION.

Moved by Lyons seconded by Lanford. ROLL CALL: Ellis, yea, Healey, yea; Hudak, yea; Kahoe, nay; Lanford, yea, Lyons, yea; Swan, yea. Motion passed 6 to 1.

DISCUSSION: (See above) Mr. Hudak felt that a session held as a conference center was exactly the same use as a meeting at any other building.

Director Frantz asked if Council would refer to Planning and Zoning the amending of Chapter 1128 to consider adding R-3 to Residential Conservation Development (Ordinance 17-2016) President Swan asked that this be consider when the Ordinance is read later in the meeting.

Director Frantz stated that Planning has heard the request to rezone a property from OL/I to CH; Council referred it back to Planning and they took action and had held the Public Hearing on the action, but they need to hold the Public Hearing after receiving the notification from Council Clerk that is has been referred back to them, so no action on the Ordinance by Council is requested until they can hold this Public Hearing again. The action that would have been requested of Council was to schedule a public hearing on this topic. There were questions as to whether they could be combined. Law Director Hanna indicated that because of notification reasons this could not be done. The public hearing done by Council is dependent on the outcome of Planning Commission's recommendation from their Public Hearing.

Director Turk - Finance

Report stood as submitted.

Report:

Income Tax Collections

February's income tax revenue came in at 12.9% higher than February 2015. Year-to-date income tax revenue was up by 10.2% over

the same time period last year. A good portion of this month's increase was attributed to the following two facts: 1) the State changed the monthly and quarterly withholding thresholds and we have several companies that are now filing withholdings on a monthly basis where previously they were remitting on a quarterly basis; and 2) One of the top twelve companies had an increase of \$25,525 in February compared to last year. A better gauge of what the true increase/decrease being realized would really occur at the conclusion of April's collection due to the monthly/quarterly withholding threshold changes. A separate memo was sent out on March 1st, providing more detail.

Recommendations/Considerations:

Appropriation Resolution is being submitted for first reading, and if possible I am respectfully requesting suspension of second and third readings, and consideration for adoption at the March 15, 2016 Council meeting. With the payment of legal bills for the appropriation of 4034 Wheatley Road the fund has a negative cash balance and this action will alleviate the negative cash balance in the fund.

Legislation:

A. Resolution No. 15-2016 – To Make Appropriations for Current Expenses and Other Expenditures

There is an appropriation request in the Income Tax Fund and authorization for the transfer of cash from the Income Tax Fund into the Land/Building Acquisition Fund for \$89,000 and the Water Revenue Fund for \$7,000 to cover the anticipated expenditures in those two funds based on appropriations that were approved by Council. I forgot to include the transfer of cash from the income tax fund when the appropriation was submitted to Council for approval in February. Council approved \$89,000 to cover anticipated legal expenses related to the appropriation of 4034 Wheatley Road, and the \$7,000 is to provide the cash to cover legal/consulting expenses related to the water tower project.

Law Director Hanna

No report.

REPORT OF COMMITTEES:

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

No report.

Mr. Ellis- Safety Committee; Fire Dependency Board

No report.

Mr. Hudak- Finance, Cemetery Board

No report.

President Swan- Planning & Zoning Commission; RJRD

President Swan attended the RJRD meeting last night where they are working on basic issues. RJRD also has work sessions where the public is not allowed to speak.

Mr. Lyons – Township Liaison

No report.

Mrs. Lanford – Human Services Commission

No. report.

Mrs. Healey – Parks & Recreation Board Representative

Mrs. Healey reported that the last Parks and Rec meeting was cancelled. She also announced that the Richfield Library is holding a book sale this next weekend.

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

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY

None.

ORDINANCES AND RESOLUTIONS.*First Readings:*

RESOLUTION 15-2016 Offered by All of Council

A RESOLUTION TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF RICHFIELD, STATE OF OHIO, DURING THE YEAR ENDING DECEMBER 31, 2016 AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: None.

MOTION: TO SUSPEND 2ND AND 3RD READINGS OF RESOLUTION 15-2016.

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

MOTION: TO ADOPT RESOLUTION 15-2016.

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

DISCUSSION: None.

ORDINANCE 16-2016 Offered by All of Council

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH RICHFIELD FURNACE RUN ASSOCIATES, LLC AND WATER AND SEWER, LLC AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: Mr. Hudak wanted to know how Council could pass this Ordinance requiring Planning and Zoning to take action, as often it takes many weeks for this action. Mr. Hanna stated that Planning and Zoning will be hearing about it at their next meeting and both entities, Council and Planning Commission, working through the details and committing in advance to take certain actions. The consequence of not following through would be that the transaction would not be consummated, but the idea is to commit yourself and think through issue within the time frame specified and addressing the items specified so that the proposed annexation, donation of facilities and assessment can be accomplished. President Swan asked that this be put onto the next Work Session agenda.

ORDINANCE 17-2016 Offered by All of Council

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1128 OF THE VILLAGE OF RICHFIELD'S PLANNING AND ZONING CODE, ENTITLED "RCD SINGLE FAMILY CONSERVATION DISTRICT," TO FACILITATE R-3 RESIDENTIAL CONSERVATION DEVELOPMENT.

CAUCUS DISCUSSION: None.

MOTION: TO REFER THIS ORDINANCE TO PLANNING AND ZONING FOR RECOMMENDATION.

Moved by Hudak seconded by Ellis. ROLL CALL: Ellis, yea; Healey, yea; Hudak, yea; Kahoe, nay; Lanford, yea; Lyons, yea; Swan, yea. Motion passed 6 to 1.

DISCUSSION: None.

Second Readings:

None.

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.

CAUCUS DISCUSSION: None.

ORDINANCE 7-2016 Offered by All of Council Public Hearing set for March 1, 2016.

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1130 OF THE VILLAGE OF RICHFIELD'S ZONING CODE, ENTITLED "R-3 CLUSTER RESIDENTIAL DISTRICT," AND DELETING CERTAIN SECTIONS OF CHAPTER 1173 OF THE VILLAGE'S ZONING CODE, ENTITLED "CONDITIONAL USES" TO FACILITATE THE AMENDMENTS TO CHAPTER 1130 AND BE CONSISTENT THEREWITH.

CAUCUS DISCUSSION: None.

MOTION: TO ADOPT ORDINANCE 7-2016 WITH THE EXHIBIT BEARING TODAY'S DATE (WHICH IS AN UPDATED REDLINE).

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

DISCUSSION: Mrs. Lanford wanted to know what the changes were. Director Frantz indicated that there were no changes but that it was an updated redlined version.

RESOLUTION 8-2016 Offered by All of Council

A RESOLUTION DETERMINING THAT THE KNOPP HOUSE IS NO LONGER NEEDED FOR PUBLIC USE, AUTHORIZING THAT IT BE DISMANTLED AND STORED, AND AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO SEEK QUOTES FOR DISMANTLING THE STRUCTURE.

CAUCUS DISCUSSION: None.

MOTION: TO TABLE INDEFINATELY RESOLUTION 8-2016.

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

DISCUSSION: None.

Inactive Items:

None.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

COMMENTS FROM THE FLOOR (On any item):

Paul Swan, 3858 Humphrey Rd, President Historical Society, stated that he has an estimate for repair of the roof and wanted to know what they needed procedurally to get started on the repair as well as the removal of the side building and siding repair. Mr. Kahoe felt that the use of volunteers is simply an Administrative function and should come from the Mayor's office. He was sure that the roof repair should wait until the building has been moved before being completed. Mr. Paul Swan indicated that the roofer said it should not make a difference for the repair. Director Baker indicated that nothing can be done until it is determined if there is any asbestos in the house that needs to be abated. It takes between 1 and 2 weeks to get these studies back. Director Baker is having the asbestos situation looked at in Knopp house, the building in the back and the house on Wheatley Road. This was not needed on the Knopp house when it was being moved as a whole, but the kitchen removal created the necessity.

Mr. Lyons wanted to know what the topics would be at the special meeting Executive Session and wanted to have a brief executive session tonight to further decide on the special meeting. The topics are sale of public property, acquisition of public property and economic development.

WORK SESSION**Discussion Topics**

None were listed on agenda.

Mrs. Healey wanted to know if the caucus discussions should be listed in the minutes under caucus instead of listed as "caucus discussion" under the resolution or ordinance. Council Clerk indicated that they were put there for ease of reading all discussion that took place on a resolution or ordinance. President Swan, Mrs. Lanford and Mr. Lyons felt that they were okay as currently reported.

Phil McLain introduced Valerie DeRose, Sr. Administrator, Summit Count Department of Public Safety. Valerie DeRose gave several examples of why a siren is a good item to have installed in a Village. She recommended keeping sirens as a line of communication as everyone is aware of what the siren means. Out of 31 political subdivisions, 7 do not have sirens. Mrs. Healey stated that she felt that a siren is a weather alert and questioned whether another 9/11 would be recognized and asked whether Richfield wasn't going to get another notification system. Chief Morgan stated that notifications will be taken care of by the 911 Cellular system that is being purchased. It was felt that Federal Signal should look for the best location by doing an analysis as previous documentation indicated that it should be placed at the Town Hall with a second one located elsewhere.

MOTION: TO ADOPT RESOLUTION 79-2015 WITH FEDERAL SIGNAL DOING A LOCATION ANALYSIS.

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

DISCUSSION: None.

Discussions on:**Old Business**

None.

New Business

Next work Session topics will be: Town Hall Road/Recreation Plans, Ordinance 16-2016 and home inspectors since GPD is not for residential.

MOTION: TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSES OF: 1) PROPERTY ACQUISITION; 2) SALE OF PROPERTY; AND, 3) ECONOMIC DEVELOPMENT.

Moved by Lanford seconded by Lyons. ROLL CALL: Ellis, yea, Healey, yea; Hudak, nay; Kahoe, nay; Lanford, yea; Lyons, yea; Swan, yea. Motion passed 5 to 2; however, due to it not being unanimous Economic Development cannot be discussed.

Council Adjourned to Executive Session at 6:45 pm and returned at 7:15 pm.

ADOURNMENT: President Swan adjourned the meeting at 7:15 pm.

Respectfully submitted,



Carolyn Sullivan
Council Clerk

Approved by,



Roger Davis Swan
President of Council