



REGULAR SESSION OF COUNCIL  
MINUTES  
APRIL 5, 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 and Swan ABSENT: None.

OTHERS PRESENT: Mayor Beshara, 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 15, 2016 REGULAR MEETING AS SUBMITTED.

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

**DISCUSSION:** None.

**COMMUNICATIONS AND PETITIONS:** A request from the Ohio Division of Liquor Control in regard to Dougout One Pub and Grill, LLC was received by the Clerk. Law Director Hanna was provided a copy and agreed to review the matter and further inform Council of the request at the next meeting.

MAYOR'S REPORT:

- The Mayor will give her State of the Village Address at Days Inn tomorrow and thanked her staff for their assistance with the presentation.
- As part of a new wellness program, an organic garden will be installed behind Village Hall for the employees to harvest vegetables. The total cost of the project is \$9,500 including construction, irrigation, and education of employees.
- Tree and Landscape Committee will meet on April 18<sup>th</sup> at 4:30pm.

DEPARTMENT HEAD REPORTS:

**Chief Morgan – Police**

Report stood as submitted.

Report

Calls for service in the month of March not yet available. To be provided during department head report.

All officers will be attending a sexual assault investigation presentation on April 6, 2016. The presentation will be presented by a SANE. A **Sexual Assault Nurse Examiner (SANE)** is a qualification for forensic nurses who have received special training to conduct sexual assault evidentiary exams for rape victims.

Following the SANE training, all officers will receive training on the use of the new AED's purchased earlier this year.

The AED's will be placed into service upon completion of the training.

**Legislation:** none



Chief Morgan added his March calls: 1,325 Village and 323 Township

**Chief Mihalek – Fire**

Report stood as submitted.

## Report

Calls for the Month of March:

Township Fire – 7 Township EMS – 15 Village Fire – 15 Village EMS – 50 Mutual Aid Given – 7 Mutual Aid Received – 3

- Total Calls – 97

Our staff has been training with a trailer that was built by the Summit County Firefighter's Association. This trailer is used for victim rescue exercises and Rapid Intervention Team Training which is firefighter rescue for building collapse and structure fire.

We have just received another shipment of fire department lock boxes this week. These boxes can only be utilized by the fire department. They are mounted by an entry door and contain the key to open that door in case of emergency. This reduces time and damage if the need arises to make quick entry into that door. If you would like one of these, please call the fire department.

Lastly, we have been working with Federal Signal and our police, service, and dispatch departments on securing a location for an emergency siren. This siren will be very beneficial for an outdoor notification system for our community.

**Director Baker – Service**

Report stood as submitted.

## Report

Report: Council 4/5/2016

Legislation –

**Purchase of Kubota (skid steer)**

There will be legislation on the agenda allowing the Mayor and Finance Director to enter into a contract with Akron Tractor for the purchase of a Kubota model SVL90-2HFC track loader, 8-inch HD bucket, and 78-inch brush cutter. The existing Skid Steer was purchased in 1998. This piece of equipment is used for loading and unloading pallets and equipment from trucks, it is used for grading, and lawn leveling, moving stones on the paths and for projects, it is used for street sweeping and helping to assist with snow plow attachments and work during the winter months.

The Service Department has chosen to purchase a Kubota this time as they feel it is a better fit for the department and will provide more options for use and greater productivity.

This is a capital purchase that was approved as a part of the 2016 capital improvement budget that was approved in December of 2015.

**Sanitary Sewer flow capacity study and rate analysis**

As a part of our 2016 capital improvement budget, Council approved the expenditure of funds for the study and review of our waste water flow capacity and our sewer rates. This review is supposed to be done every 5 years as per our contract with NEORSD. Our last study was completed in 2005. Although our growth has been steady, we have seen extensions of sewers, extension of sewer districts, and uses of the sewer beyond the capacity allowed for the areas. These studies will update the maps for the sanitary sewer areas and districts. It will also help us with determining where we have planned growth and how it will affect our overall numbers with full build out of the system.

These studies should be used prior to any extension of districts, actual sewer extensions and should be used when annexations occur and uses of land change.

Although our sewers have been in for over 25 years, our growth had been substantially on the south end of town and is continuing to expand in this area. The wear and tear on the pump stations unfortunately have been seen on all our large stations since the bulk of the effluent is coming from the south, and traveling through all the stations.

These reports will help us better gauge large improvements to the stations that are needed immediately and will be required in the future.

Total engineering cost for the waste water flow capacity report \$24,800.00.

Total engineering cost for the sewer rate determination is \$26,000.00

**Summer materials for work projects**

This request is to allow the Mayor and Finance Director to enter into contracts for and with as follows:

- Limestone - Shelly Materials Co. – Twinsburg Plant, 8920 Canyon Falls Blvd. Suite 120, Twinsburg Ohio 44087
- Sand - Allied Corporation - Jefferson Plant, 8920 Canyon Falls Blvd. Suite 120, Twinsburg Ohio 44087
- Asphalt - Allied Corporation – Copley Plant, 8920 Canyon Falls Blvd. Suite 120, Twinsburg Ohio 44087
- Asphalt Sealant -DJL Material Supply, 4361 State Road, Peninsula, Ohio 44264
- Drainage Pipe - Did not receive any bids.

This is to accommodate set prices for our construction materials that we may use during our construction season. The pricing is good from April 1, 2016 till March 31, 2017.

This legislation is our annual legislation allowing for acceptance of bids.

We annually bid these products so that we can set prices for the upcoming construction season.

These items were advertised, on February 22, 2016 and February 29, and the bids were opened on March 9 at 10 a.m. There were 5

bids received. These companies are companies that we have worked with in the past and are familiar with our needs and close in proximity for pickup of material.

**Expenditure Request – As stated in legislation.**

#### **Projects**

##### **3921 Brecksville Road**

We are out to bid with this project we will advertise on March 29, April 5, and April 12, 2016. We will hold a pre bid meeting on April 5, 2016 at 9:00 am at the site to go over questions, issues with the bidding documents and allow for contractors to have access to the site. Bids will be open at 10:00 a.m. April 20, 2016. It is our hopes to be in a position to award the first meeting in May which is May3, 2016.

We were reviewing drawings with the Fire Department as our engineer discovered a possible underground storage tank. There was no tank located in their presumed location. However, we did find an underground oil tank, we are assuming used for oil storage for equipment. The oil appears to be clean with no water infiltration. We are working with Empaco for the removal of this tank at this time and work will begin on Monday, April 4, 2016. Work should be completed by weeks' end.

##### **Masonic Temple is under contract**

The Masonic Temple is under contract and we are working with Town Center for construction of the new bathrooms. We are working with GSC for the asbestos abatement and demolition. The amount of asbestos abatement was greater than anticipated and we will be very tight on our schedule. All items for construction have been picked and we are keeping all items with long lead times to a minimum.

##### **Hood and Suppression Systems**

I am working with ABC Fire in reference to their price quotes for hoods. The prices are coming in higher than expected so I have asked for additional quotes from other hood manufacturer's. I have also contacted GPD for assistance with the electrical and gas concerns, along with some questions on the structural changes being contemplated. I'm waiting to see what upgrades if any are required. There were monies for electric put into the 2015 budget to address any upgrades needed.

##### **Ball Fields and lighting**

With the great weather we have been experiencing we have been able to add materials to all ball fields and have been able to ready all the fields for practice. If dry weather and warm weather continues we should have a good spring with the fields. Now that the weather is nice we are doing our final walk through for the new lighting and will be meeting with the contractors to discuss a final punch list and operation of the new lighting.

##### **Johnson Barn**

We have met with Jerry Ryba, looking for some price quotes for design on bathrooms for the Johnson Barn, as well as probable cost for construction. The existing barn along with the garage next door holds great promise for recreation activities during the summer and fall months. This work was included in the 2016 budget. Once we have some numbers we will work with Council / Building and Grounds to establish design and a building schedule.

##### **Emergency Siren**

The Fire Chief, Assistant Fire Chief, Police Chief and Dispatch Supervisor met with Federal signal to discuss the needs of the community and possible location(s) for sirens. We asked them to propagate the level of service with the existing sirens (one at the high school and the one in Brecksville) to see what coverage we already have. We then asked them to locate sirens in areas that they felt would give us the most coverage possible. The discussions did lead to the possible need for additional sirens. Federal Signal suggested that we contact the USDA for grant monies to help offset additional sirens as they have programs to help expand existing systems. I am looking into this possibility for additional funds.

**Recommendations/Considerations: none.**

## **Director Jocek – Recreation**

**Report stood as submitted.**

#### **Report**

We have started the reconstruction of the bathrooms at Masonic Hall. It is an exciting time and will be a benefit to the Village to have a better rentable facility. With the addition of a storage room and the ability to move the tables and chair racks out of sight I believe it will be used more.

The fitness equipment has arrived and we hope to have open exercise sometimes starting in mid April.

The community gardeners are back and many new gardeners are also signing up. I hope that the weather cooperates this spring and makes our growing season "plentiful".

If you have not read the community news please note on your calendars that the community day parade has been moved from Friday night to Sunday morning at noon. We believe that the participation in both parade and community day will be better.

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

## Report stood as submitted.

**Report:**

- 1) At their meeting held on March 8, the Planning Commission recommended approval of the following for National Interstate Insurance:
  - a) consolidation of 4059 Kinross Lakes Parkway (7.44-acre parcel) with 3250 Interstate Drive (9.44-acre parcel);
  - b) abandonment of an existing 20-foot-wide sanitary sewer easement located between the two parcels;
  - c) creation of a new sanitary sewer easement along Kinross Lakes Parkway and along the western property line of existing 4059 Kinross Lakes Parkway (both easements located on National Interstate Insurance property) and;
  - d) minor encroachments in the riparian corridor in order to facilitate construction of a new parking lot along the eastern side of 3250 Interstate Drive.

At this same meeting, Planning Commission also discussed Council's referral of the proposed changes to Chapter 1128 to include a conservation development option for the R-3 Zoning District. Currently Chapter 1128 includes the conservation development option for R-1 and R-2. The Commission conceptually discussed the proposed changes but felt a full discussion of the proposal should occur at their April 12<sup>th</sup> meeting.

- 2) I attended a meeting with the staff from Twinsburg and Columbus Ohio EPA regarding the Soni property. Also attending were staff from Partners Environmental and Walter Haverfield. The meeting focused on EPA's comments regarding the No Further Action submitted on behalf of the Village in late 2015. The meeting was positive and all indications lead me to believe EPA will issue the Covenant Not to Sue in the next couple of months. We will keep Council apprised as the final stages of the Voluntary Action Program (VAP) process unfolds

**Recommendations/Considerations: None**

**Legislation: None**

**Director Turk – Finance**

## Report stood as submitted.

**Report:****Income Tax Collections**

The March's preliminary income tax revenue appears to be down 4.1% compared to March 2015. Year-to-date income tax revenue is still up by 5.2% over the same time period last year. A good portion of this month's decrease is attributed to the fact 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. 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 will be sent out next week providing more detail.

**2014/2015 Audit**

The State Auditor awarded Charles E. Harris & Associates, Inc. the audit contract for six years (three biannual audits) from the four proposals they had received. Charles E. Harris had completed our audits prior to 2012. It is expected that they will commence the engagement once the State Auditor approves their agreement. It is expected that the final report will be delivered in July.

**Ohiocheckbook.com Status**

We met with Frank Kohstall, Deputy Director of Public Affairs from the State Treasurer's Office, and our accounting system's technician and worked out a way to export the Village's financial data to the State in the format that the State requires. Kevin has forwarded to the State our 2015 expenditure data and our accounting structure. Frank indicated that their technical people will work on setting up the Village's site and populating it with our account data. Frank hoped to have something back for our review by the end of April. We will then review the data and the Village will have to approve the set up before the State places the data out on their website for public viewing.

**Delinquent Sewer Bill Notices**

Staff mailed out delinquent sewer bill notices in the beginning of March and to-date we have collected \$28,000, approximately 18% of the delinquencies.

**Recommendations/Considerations: None    Legislation: None**

Law Director Hanna had no report, however, he did request Council to hold an executive session to discuss economic development, the acquisition of property for public use, and to review for collective bargaining strategy.

**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

Mr. Hudak attended the recent Cemetery Board meeting where they discussed plotting the acquired land on Broadview and Brecksville Roads and ways to best utilize the space. The repair of tombstones, especially at Fairview Cemetery, was also discussed. Director Baker added the cemetery software should be completed next week and that she will be looking for part time help this summer to input information.

**President Swan**- Planning & Zoning Commission; RJRD

President Swan said the Planning Commission discussed National Interstate and the RCD text amendment at their March 22<sup>nd</sup> meeting.

**Mr. Lyons** – Township Liaison

No report.

**Mrs. Lanford** – Human Services Commission

No. report.

**Mrs. Healey** – Parks & Recreation Board Representative

Mrs. Healey commented that the recent joint meeting between the Parks and Recreation Board and RJRD was a very positive meeting.

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

(See Caucus Discussion for each item which had significant comments)

**COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY**

None.

**ORDINANCES AND RESOLUTIONS.***First Readings:***RESOLUTION 18-2016 Offered by All of Council**

**A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH AKRON TRACTOR & EQUIPMENT FOR THE PURCHASE OF A NEW KUBOTA TRACK LOADER WITH BRUSH CUTTER, MOWER, AND SKID STEER MOUNT, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.**

**CAUCUS DISCUSSION:** None.

**MOTION:** TO SUSPEND 2<sup>ND</sup> AND 3<sup>RD</sup> READINGS OF RESOLUTION 18-2016.

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

**MOTION:** TO ADOPT RESOLUTION 18-2016.

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

**DISCUSSION:** None.

**RESOLUTION 19-2016** Offered by All of Council

**A RESOLUTION RATIFYING THE ADVERTISING FOR AND THE AUTHORIZING ACCEPTANCE OF BIDS FOR LIMESTONE, ASPHALT, ASPHALT SEALANT, DRAINAGE PIPE AND RELATED MATERIALS FOR THE 2016 CONSTRUCTION SEASON AND DECLARING AN EMERGENCY.**

**CAUCUS DISCUSSION:** None.

**MOTION:** TO SUSPEND 2<sup>ND</sup> AND 3<sup>RD</sup> READINGS OF RESOLUTION 19-2016.

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

**MOTION:** TO ADOPT RESOLUTION 19-2016.

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

**DISCUSSION:** None.

**RESOLUTION 20-2016** Offered by All of Council

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC. TO ANALYZE THE VILLAGE'S CURRENT SEWER RATES THROUGH THE DEVELOPMENT OF A SEWER RATE STUDY, AND DECLARING AN EMERGENCY.**

**CAUCUS DISCUSSION:** Director Baker explained she is updating the contract with NEORS and reviewing current rates, flow capacity, and maintenance costs. This program would compare the current rates versus the cost of maintenance and identify when an increase in rates may be warranted.

**RESOLUTION 21-2016** Offered by All of Council

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC. TO UPDATE THE VILLAGE'S WASTEWATER FLOW CAPACITY REPORT, AND DECLARING AN EMERGENCY.**

**CAUCUS DISCUSSION:** This resolution is connected to 20-2016.

**ORDINANCE 22-2016** Offered by All of Council

**AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO EXECUTE THE "REGIONAL STORMWATER MANAGEMENT PROGRAM SERVICE AGREEMENT" WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT.**

**CAUCUS DISCUSSION:** A work session will be held on May 3<sup>rd</sup> to discuss and to receive clarification of the legal and technical aspects of the NEORS Service Agreement.

*Second Readings:*

**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:** None.

**ORDINANCE 17-2016** Offered by All of Council Referred to P&Z 3/15/16.

**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:** Planning Commission will discuss this matter at their April 12<sup>th</sup> meeting and a public hearing has been scheduled for April 26<sup>th</sup>.

Third Readings:

**None.**

Inactive Items:

None.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

COMMENTS FROM THE FLOOR (On any item):

Dan Trudgeon, President of the Town Trust invited everyone to a public meeting on May 6<sup>th</sup> from 7:00pm – 8:30pm at Fellowship Hall to celebrate the past efforts of the Trust.

**MOTION:** TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSES OF: 1). THE ACQUISITION OF PROPERTY FOR PUBLIC USE; 2). TO REVIEW COLLECTIVE BARGAINING STRATEGY; AND 3). TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, AND TRADE SECRETS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE WHICH IS DIRECTLY RELATED TO A REQUEST FOR ECONOMIC DEVELOPMENT ASSISTANCE THAT IS TO BE PROVIDED OR ADMINISTERED UNDER CHAPTER 715 AND SECTIONS 5709.40 THROUGH 5709.43 OF THE OHIO REVISED CODE.

Moved by Hudak seconded by Ellis. Upon Roll Call motion passed unanimously.

***Council Adjourned to Executive Session at 7:05 pm and returned at 8:30 pm.***

**WORK SESSION****Discussion Topics**

1. Ordinance 16-2016, Dev. Agreement with Richfield Furnace Run Associates, LLC and Water and Sewer, LLC  
Law Director Hanna explained the proposed agreement and the history behind it as well as the process of annexation. The developer has agreed to remove their existing plant from the site in order for the Village to construct a new pump station, a force main at Brecksville Road, and install new sewer lines which are expected to cost the Village several million dollars. Mr. Lyons noted the proposed 147-home subdivision is adjacent to I-77 and I-271 and felt the request for sound walls would arise in the future. There was discussion of the financial burden that would be placed on the Village and possible ways to recoup funds by way of assessments, lump sum payments, or tax increases. They also discussed alternate options including declining to enter into the development agreement and leaving the property as is, or the Village extending sewers to Briarwood while leaving the property within the Township. President Swan suggested a joint meeting with the Planning Commission to discuss options since the Planning Commission is required to make a recommendation for the zoning classification. Council agreed to discuss the matter with the Planning Commission at their next meeting, April 19<sup>th</sup>, at approximately 7:30pm. Law Director Hanna also suggested requesting the developer's attorney attend the discussion to see if they are willing to navigate some of the new ideas proposed by Council. Mayor Beshara said that while she doesn't love the plan, it is a substantially smaller amount of homes than the original proposal of 288.
  
2. Building Inspection and Demolition  
This topic was postponed to the next meeting, however, President Swan requested a motion to approve the demolition of the brick house behind Village Hall.  
**MOTION: TO APPROVE DEMOLITION OF THE BRICK STRUCTURE BEHIND VILLAGE HALL**  
Moved by Kahoe seconded by Hudak. Upon roll call motion passed unanimously.  
**DISCUSSION: None.**  
Director Baker added that the Masonic Temple is undergoing asbestos removal. Eight contractor reviewed the plans and the bid opening is scheduled for April 20th. There was an old heating tank underground on the site but it was filled with LSM and contained.
  
3. Town Hall Road/Recreation Plans  
This topic was postponed to the next meeting.

**Discussions on:****Old Business**

None.

**New Business**

None.

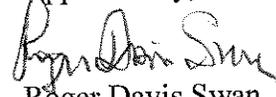
ADOURNMENT: President Swan adjourned the meeting at 9:35 pm.

Respectfully submitted,



Kayla Nealon for Carolyn Sullivan  
Council Clerk

Approved by,



Roger Davis Swan  
President of Council