



REGULAR SESSION OF COUNCIL
MINUTES
APRIL 19, 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, Planning & Zoning Director Frantz (arrived at 7:02 pm), Finance Director Turk, Law Director Hanna.

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES FROM APRIL 5, 2016 REGULAR MEETING AS SUBMITTED.

Moved by Lanford seconded by Healey. 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 reviewed by the. Law Director Hanna and Chief Morgan. A hearing is not needed for the transfer of ownership of the Dougout One Pub.

MAYOR'S REPORT: The Mayor

- Announced that this Saturday is Project Pride which includes cleaning the roadways, the Arbor Day tree giveaway, paper shredding and electronic recycle collection. There are 1100 trees for giveaway with some of them 5' to 8' tall, will be limited to 7 per individual.
- Sunday is the Mayor's fitness program sign up at Town Hall.
- Recognized the passing of George Dudo, better known as Poggy. He was a veteran and always placed the flags at the cemeteries for Memorial Day and Veterans' Day.
- Asked for the approval of Dale Rodgers to the Tree and Landscape committee.

MOTION: To approve Dale Rogers appointment to the Tree and Landscape Committee.
Moved by Hudak seconded by Healey. Upon roll call motion passed unanimously.

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

Report stood as submitted.

Report

The new police vehicles have arrived and are currently being outfitted by the service department. Officer Dave Polak attended a two-day *Enforcement for Pedestrian & Bicycle Safety training seminar*. The training encompassed the what, where, when, how, who & why of walking and bicycling. Additionally, components of the Highway Safety Triangle, pedestrian and bicycle environment audits, how pedestrian & bicycle crashes happen, pedestrian & bicycle laws, crash investigating & reporting, and potential law enforcement partners were covered.

More information is available at: www.bikecleveland.org.

April is distracted driving awareness month.

Distracted driving has killed thousands over the years. Today's vehicles are equipped with technology that makes it easier to make calls, send texts, email and update social media behind the wheel. However, recent research shows these systems can be just as

distracting and unsafe, increasing the need for consumer education.*

* According to the AAA Foundation for Traffic Safety

Chief Mihalek – Fire

Report stood as submitted.

Report

On April 12th, our crews were working at a structure fire within Richfield Township. This was a very challenging fire with a long driveway in a non-hydranted area. The operating crews extinguished the fire efficiently and prevented further loss. Two residents were transported to a medical facility with serious and minor burn injuries.

On April 14th, our crews operated inside RJRD park for 2 missing juveniles. This was a very labor intensive task that was conducted in a very structured manner utilizing the Incident Command System. The juveniles currently have not been found as they are classified as missing and runaway's. We would like to thank all our mutual aid communities, Summit County Technical Rescue Team, Richfield PD, Richfield Service Department, and various other agencies that assisted.

Lastly, we have 6 candidates that have taken a written promotional examination for the position of lieutenant. Successful candidates will take the oral examination in May. The candidates have worked and studied hard to prepare for this examination.

Director Baker – Service

Report stood as submitted.

Report

Legislation – None

Expenditure Request –

Projects

2016 Road Paving

Bids were opened and a contract is being awarded to Ronyak Paving for our 2016 road paving program. The pricing came in very favorable to the Village. The mayor and I are meeting with Summit County to discuss the repairs and paving needed for Everett Road.

Village Garden

The service department installed, laid out, built and filled the planter boxes with soil and completed the Village Employee garden. Harvest for Home (the contractor) can now come in and install the irrigation system and ready the soils for planting.

Briarwood Development:

I am working on preparing the numbers as requested at the last Council meeting. I will be preparing these numbers and working with Bill Hanna to deliver those prior to the meeting.

Recommendations/Considerations: none.

Director Jocek – Recreation

Report stood as submitted.

Report

- Be on the lookout for the Parks and Recreation Departments Spring/Summer mailer that will be delivered to your home. We are offering many new camps and classes to all.
- The Recreation Center will be holding another open house on Saturday, April 30, 2016 from 10 am—Noon. Please stop and see the new equipment and learn about our new workout programs.
- With the smell of spring in the air we are receiving many new gardeners to our Eastwood Gardens. We are looking forward to a great growing season.
- Please let me know where you would like to pick up trash in Richfield for Community Project Pride. All we are asking that you consider your front yard or your neighborhood, or even a main road. Remember Project Pride is Saturday,

April 23, 2016 from 9 am –Noon. We will be in the Town Hall Pavilion with a map of the Richfield's to hand out assignments and give out trash bags. Hope to see you all there.

- The Arbor Day Tree Giveaway is also on Saturday, April 23, 2016 from 9 am until gone.....If you are in need of trees for your yard do stop by the Town Hall Pavilion.
- The Bath Police Department has just finished using the Recreation Center for their self-defense classes. This is for the officers, not the public.

Director Frantz – Planning and Zoning

Report stood as submitted. (Director Frantz was absent at this point.)

Report:

- 1) The Planning Commission met on April 12th and approved a request from Hissong Kenworth to construct a 14x40 accessory structure in the side yard of their property located at 2890 Brecksville Road. The location of the structure in the side yard does require from the Board of Zoning Appeals (BZA) and the request will be heard at the May BZA meeting. The Planning Commission also approved a lot consolidation and lot split of Village owned property to create a four acre lot off of Wheatley Road.

During this same meeting, Planning Commission discussed the Council initiated text amendments to the R-CD Zoning District. The purpose of this amendment is to permit a residential conservation zoning classification in the R-3 Zoning District. This amendment centers on the potential annexation of the vacant land adjacent to the existing Briarwood development. The Commission will be meeting with Village council at their up-coming meeting to jointly discuss the Briarwood project.

- 2) The Mayor and I have been meeting with several potential businesses interested in the former Snap-on building and two other existing businesses interested in expanding their operations in the Village. We will keep Council apprised as the potential projects develop.

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

Legislation: None

Director Turk – Finance

Report stood as submitted.

Report:

Real Property Tax Exemptions Status

In November 2013 we purchased from the Novak Trust six acres of land to expand the cemetery. I filed the application for real property tax exemption and remission on December 30, 2014. We just received the final determination from the Tax Commissioner and the application was approved. We were required to pay the 2014 real estate taxes of \$992.28 that were due in 2015 and I have completed a refund application form for this amount.

We are still awaiting the final determination from the Tax Commissioner on the application filed August 12, 2015 for the 0.8-acre parcel purchased from Costanzo to be used to install a sanitary sewer pump station. I also need to complete and file the applications for real property tax exemptions for the Lobazo property and the 4034 Wheatley Road property. Applications for property tax exemptions are not filed until the year following the acquisition of the property.

Recommendations/Considerations:

None

Legislation:

- A. *Resolution No. 23– 2016 - Estimating the amount of active monies and interim deposits, to invite applications for depositories and to fix a date to designate depositories for active and interim deposits*

This resolution is being submitted for first reading only. In accordance with the Uniform Depository Act this resolution estimates the amount of active monies and interim deposits at \$12 million, it invites applications for depositories, and it fixes the date to designate

depositories on July 5th. Basically every five years we have to go through this process to approve financial institutions with whom we can do business with.

The current approved depositories are: First Merit Bank, JP Morgan/Chase Bank, Dollar Bank, PNC Bank, N.A., Huntington National Bank, U.S. Bank, and Charter One and their agreements expire July 5, 2016. The new agreements will extend for another five-year period thru July 5, 2021.

Law Director Hanna

Law Director Hanna had no report, but requested there be an Executive Session called for the purposes of acquisition of property and economic development with no action taken afterward.

REPORT OF COMMITTEES:

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

Mr. Kahoe indicated that he hoped to see everyone for the tree giveaway that will be held behind Town Hall.

Mr. Ellis– Safety Committee; Fire Dependency Board

No report.

Mr. Hudak– Finance, Cemetery Board

Mr. Hudak had no report but requested that a Finance Committee of the Whole be set up. It was determined that it would be done by e-mail after schedules are checked.

Mr. Hudak mentioned Pogy's lifelong devotion to Boy Scouts, with at least two of his sons becoming Eagle Scouts.

Mr. Hudak clarified that the Boy Scout spaghetti dinner has been cancelled with indications that it will be rescheduled at a later date.

President Swan– Planning & Zoning Commission; RJRD

No report.

Mr. Lyons – Township Liaison

No report.

Mrs. Lanford – Human Services Commission

No report.

Mrs. Healey – Parks & Recreation Board Representative

No report.

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

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

MOTION: TO ADD RESOLUTION 25-2016 TO TONIGHTS AGENDA.

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

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY

None.

ORDINANCES AND RESOLUTIONS.

First Readings:

RESOLUTION 23-2016 Offered by All of Council

A RESOLUTION TO ESTIMATE THE AMOUNT OF ACTIVE MONIES AND INTERIM DEPOSITS, TO INVITE APPLICATIONS FOR DEPOSITORIES AND TO FIX A DATE TO DESIGNATE DEPOSITORIES FOR ACTIVE AND INTERIM DEPOSITS AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: None.

ORDINANCE 24-2016 Offered by All of Council

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 3928 BRECKSVILLE ROAD FROM THE OFFICE/LIMITED INDUSTRIAL DISTRICT TO THE COMMERCIAL HISTORIC DISTRICT II.

CAUCUS DISCUSSION: A Public Hearing for the Ordinance was set for June 7, 2016 at 6:30 pm with the Regular Meeting to follow.

RESOLUTION 25-2016 Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH BEAZLEY ECLIPSE INSURANCE COMPANY FOR ENVIRONMENTAL INSURANCE AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: None.

Second Readings:

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: None.

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: None.

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: This Ordinance and Resolution 21-2016 were set for discussion at the next Work Session.

Third 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:** None.Inactive Items:None.

President Swan switched the order to New Business and then Unfinished Business to facilitate comments on subject that was going to be in the Work Session.

NEW BUSINESS: Mr. Hudak asked if there was any anticipation of action on the Resolution 25-2016 for insurance on the Sony property. Mr. Hanna indicated that this can wait until the next meeting.

UNFINISHED BUSINESS:

Mr. Hanna gave a brief history of the agreement with Water & Sewer LLC. There have been concerns on the high rates being paid by residents. The PUCO treats this private plant as a public utility as Ohio law decrees it as such. The water was converted to the Village in 2009. In 2011, Water and Sewer LLC was granted a 50% rate increase which made the rates \$1000 to \$1200 higher per year than in the Village. The private plant (Water & Sewer, LLC) owners also have 124 acres of undeveloped land adjacent to the Briarwood development and located in the Township. They have gone through a number of potential development plans over the years showing different development schemes and different number of dwelling units to be developed, including plans that had over 250 and as high as 280 units. The treatment plant was designed to serve 280 units; and it is believed to be in poor condition. For a number of reasons for all of that background, the Village has been talking with the owners of Water and Sewer, who own the undeveloped land and at some urging of the PUCO. Since at least 2011 and as a result of those discussions the owners of the land and the utility have indicated that they would like to seek annexation of that 120-acre parcel to the Village in return for the donation of the existing collection lines in the existing Briarwood neighborhood. They then intend to develop 147 single family homes on the 120 acres. The Village would then have the ability of assessing these new units for the cost of their share of constructing the new line, which is a 7000 ft. forced main with 2 pump stations at a cost of \$1.8 million as opposed to distributing that cost across the existing customers, which brings the average assessment down by 2/3s. The development agreement is intended to manage all the pieces of this five-year discussion and would provide for the filing of the annexation petition. They have indicated that they are intending to seek an Expedited Type 2 Annexation under Ohio law. This type results in having the property be located in the Township for purposes of Township property taxes, but otherwise being located within the Village for items including Village property and income taxes. The Village would have the obligation to maintain the roads. The residents of that area could vote

in both Township and Village local election issues. The development agreement would also provide for the establishment of new zoning regulations to manage the development that is currently under discussion. The Planning and Zoning Director developed the proposed R3 RCD regulations that are contained in Ordinance 17-2016 to put some parameters around appropriate development. The 147 units is the ceiling on the number of units that can go in on that property, unless it would change before the agreement is signed. The agreement talks about the approval process governing the Type 2 process for annexation. It is an expedited process where the approval or the action of the municipality and the Township occurs within 20 days and goes to the County after filing. The Village would need to specify the services that it would provide to the property, designate the zoning on the property (the discussion has been on this R3 RCD type), and in return for those things and considering and approving a development plan the owners would file a petition for assessment for sewer constructions costs against that property and would donate the existing sanitary collection lines. In addition there would be a need to accomplish the transfer of easement rights that currently allow the existing Water & Sewer treatment facility to exist within the National Park, to “sort of” permanently provide a home for the first pump station under the sewer design on a piece of property where the Village currently has a right-of-way permit from the National Park. It is not the right or ownership of the plant itself. The Village is not taking ownership or responsibility for any part of the system other than the collection lines within the existing Briarwood neighborhood. The PUCO would need to authorize transfer of service from Water & Sewer to the Village for sanitary sewer purposes. They have indicated that they would do that at the appropriate time. Subsequently there would be an additional development agreement to address the question of conformance and completion guarantees that would relate to the subdivision. All of these items are included within the Agreement that is before Council in Ordinance 16-2016.

(Director Frantz had arrived by this point in the meeting)

Mrs. Healey thought that under the Expedited Type 2 annexation the Village would not collect property tax. Mr. Hanna indicated that the Village would collect property tax. The Ohio code does indicate if the levies exceed 10, there is a formula for proportioning the property taxes. Mrs. Lanford wanted to know how this affects the current Briarwood residents that live in the Township. Mr. Hanna indicated that they are not addressed by the agreement other than as potential future customers of the Village’s sewer utility. Those residents could annex or the Village could provide sanitary sewer service by way of a tap fee. Mrs. Healey mentioned that there use to be a law that the Township had to be contiguous and these Township residents would be an island. Mr. Hanna indicated that what the statute provides as a basis for objecting to a 709023 petition is the creation of an island of incorporated territory that is surrounded by the territory proposed to be annexed. He didn’t believe that this applies in this case. He also stated that it is on the filers of the petition to provide that that is the case.

Mr. Hudak asked if these unusual circumstances and actions would set a precedent that another developer would cite for his own purposes. Mr. Hanna felt that no precedent would be set as there is no entity similar to Sewer and Water LLC (a private utility that is treated like a public one by the PUCO).

COMMENTS FROM THE FLOOR (On any item):

President Swan gave the parameters for those that were going to speak – come to the podium and sign the sheet that is there, limit your time, no cross-talking, no debating, and address comments to President Swan and he will defer to the individual best suited to answer. He further noted that the Work Session following these comments would be limited to discussion between Council and the Planning Commission which was invited to the session, and perhaps unknown to the audience. Mr. Hudak stated that Council may take action on Ordinance 16-2016 after the Work Session.

Belinda Stucky indicated she was happy to hear that there has been a compromise reached on the

new development and asked:

- What would be the increases in property taxes. - Mr. Hanna explained that the current residents would pay Village property taxes and the new development would pay both Village and Township property taxes and any applicable Village income taxes.
- Why wouldn't the entire property just be annexed over the Village, as she does not see how this is advantageous to the Village - Mr. Hanna indicated that the decision as to whether it is advantageous or not is actually a decision that was made by the owners of the property. From the Village's standpoint potential advantages include speed of the process, and diminished likelihood of litigation concerning the process for the criteria for objections are different and fewer for this process than for a standard annexation.
- Is there any opportunity to change this or are they set on this process - Mr. Hanna stated that they are set on using this process.
- Have others tying into the sewer system been assessed or is this unique to this property - Director Baker indicated that everyone has been assessed.
- Is there opportunity for Federal or State funding to help supplement the assessment - Director Baker indicated that the Village has tried to get grants or other funding and none has been available.
- What is the density and, she believed that the density for R-3 is 3 homes per acre - Director Frantz stated that there is a cap of 147 units for the 120 acres and had a conceptual plan showing where the potential homes would be located. The lot size averages about 10,000 sq. feet. The R-3 conservation regulation allows 1.2 units per acre. President Swan indicated that this is a conservation zoning and the open land is figured into the entire density, with what is being seen on the drawing is the very small lots in an area but the overall development has a fairly good percentage of open space.
- Would it be possible to bring someone in and possibly come to some better terms - Mr. Hanna indicated that there is no chance to do anything different with the property owners and any significant change to the agreement would require a new agreement. Mr. Hudak reiterated that there is a court order that if that property stays within the Township there can be almost twice as many homes there.
- Has concerns on access and feels there is only one entrance - Director Frantz indicated that two access points are being proposed and an additional access out to Whitethorn. After being shown by Director Baker the two access points, she stated that there is concern on having these two entrances so close together on a blind sight hill. She feels that it is unsafe currently and with the additional traffic volume from the new development, accidents will increase. President Swan indicated that everyone is concerned about that and is not certain whether there will be a change in it once the development reaches its final form.

Jim Koewler, 3758 Burrwood (one of the homes in the Township in the current Briarwood development), asked

- What happens to the proposed development if some other entity denies a permit, i.e. a wetland, a stream crossing - Director Frantz indicated that all applicable standards need to be met and the burden is on the developer to comply with the regulations and may impact their development and reduce lot numbers.
- What are the proposed changes to the conservation code - Director Frantz stated that the change is to include R-3 in the conservation code which currently is only for R-1 and R-2. The conservation code is less dense than the standard R-3 density. Mr. Koewler wanted to know if the conservation district gives them density credit on areas that would be impossible to build on like the ravines that criss-cross the acreage. Director Frantz indicated it does not apply any density credits. Mr. Koewler wanted to know if the effect is that it calls it "x" number of units per acre but are counting acres that are unbuildable. Director Frantz

indicated “yes” that is true.

Jim Koewler commented that given the physical “lay of the land” credit is being given for areas they could not build on anyway. He felt this is giving them a gift to build more units on areas that they can build. He feels this is setting a bad precedent. He felt that the current residents have been subsidizing the property by the extraordinary fees for the last many years and that much of that money has been siphoned off by the owners. He thought that it would be fair to the current residents if more of the burden is placed on the development. He felt that the current residents should not carry any of the burden. He also felt that the lots at the end of Burrwood should be the same size as those that exist on Burrwood to keep the nature of that community consistent. He has concerns on the access roads. Director Baker indicated that there will be improvement to the other exit onto Whitethorn. Mr. Koewler felt that the two roads currently on the drawing are only 250’ apart and that an accident at one, effectively blocks the other. He ended by stating that he felt the agreement should be rejected as we can do better.

Christine Young, 3918 Saw bridge Unit 6: asked:

- Would like to know what would change before the preliminary agreement becomes final - Mr. Hanna indicated that the agreement is not considered preliminary. The final must be substantially in agreement with the one shown being considered. There is a reference within the agreement on a preliminary plan but, that is the drawing included in the agreement.
- Wanted to know how the preliminary Development plan can change before it becomes final as she had some ideas on how it might change - Director Frantz stated that this is a conceptual plan and that the plan would have to go through all of the Village’s processes before it becomes final. It needs to be prepared in accordance with the current subdivision regulations, there are some wetlands and streams that have to have the jurisdictional permits granted. These could have an impact on the density and the design. That was one way he could see the conceptual design change.
- Why wasn’t anyone from LLC present - Mr. Hanna explained that Water and Sewer LLC was asked not to attend tonight.
- The condominiums have extra interest in the entrances. In 1990 a traffic study was done and there was talk about lowering Rt. 303 in that area. Furnace Run might want to take some of the land in their area and she wants to head that off – President Swan indicated that all of the changes will be done in public meetings and she was invited to attend. He said that she can check the meeting notices or sign up for e-mail notification.
- Concerned that condos would be assessed the same way and the same rate as a single home. They have no frontage, no individual driveway and condominium owners would expect that to be taken into consideration.
- Felt that it would take 13 months (by her calculations) to complete the steps outlined in the agreement before construction could begin - Mr. Hanna indicated that some steps could be done concurrently. Director Baker indicated that in addition to the agreement steps, it needs to go through public hearing and an assessment Equalization Board before bidding can be done. She felt this would take about 8 months, which would allow the award to be done in May, 2017, start of construction in mid-June with full implementation in April 2018.

Robert Glover, 3905 Mill Street, was concerned that the new development homes were being constructed very close together and felt it was a fire hazard and wanted to be sure that someone looks into this matter.

Nagwa Ahlborg, 4760 W. Streetsboro, felt that with the Village going to be paying \$43,800 a year to provide public services for the development, the money would be better spent to subsidize the sewer bills of the current 36 homes and 36 condos. It would be cheaper. Mr. Hudak stated that this is a failing utility and it needs to be razed and replaced. The facility was designed to service 500

homes and has never served 100 homes. With the PUCO indicating that a utility cannot operate at a loss. The property was not under the Village regulations at the time it was put in. Just subsidizing the current users of the facility, will not work. President Swan stated that the expenses will be offset by the income from the development. Mrs. Lanford stated that the costs given are incomplete, i.e. repaving not shown, police and fire absent. She did not want to take the costs presented as complete.

Bob Zakovec, 3475 Burrwood, wanted to know:

- How is the property considered an island if it is touching the property of Scanwood – President Swan thought the question had to do with the existing houses in the Township. Director Baker showed the houses that would become an island are the existing ones.
- Has a developer come forward - Director Frantz indicated that there is no developer at this time.

John Nowakowski, 3571 Burrwood, asked:

- To what extent has the proposed annexation legislation been coordinated with the Township - Mayor Beshara indicated that the Village has met with the Township; a type 1 was proposed and it was not acceptable to the Township. She stated that if the annexation does not happen the Township density is much higher than the one being proposed. President Swan stated that he thought that recently the conceptual plan is similar to the one presented to the Township.
- Wanted to know who put together the draft of the agreement - Mr. Hanna's office has prepared the agreement in collaboration with the property/utility owner.
- Wanted to know to what extent does accepting the agreement change the old judgement - Mr. Hanna indicated that when this is filed for the record with Summit County the old judgement is set aside.
- Wanted to know to what extent the judgement would affect the northern part/the rest of the acreage – Directors Baker and Frantz believed that this piece is part of the 120 acres that is being developed, however, it needs to be verified.
- Wanted to know the building density on buildable land - It is unknown at this time. Director Frantz felt that that number would come as plans are developed further.
- Wanted to know what the sewer assessment would be – Director Baker stated that with the development land annexed and included assessments would average \$5,500 to \$7,000, and without the development they are \$15,000-\$30,000.
- Wanted to know costs if existing collection lines were replaced - It is undetermined.
- Wanted to know if the existing water lines were replaced – Director Baker indicated that that is something she is working on with Council as part of having the budget approved. Plans are to have an engineer look at those existing lines.
- Asked to what extent the influx of students would have on the school - Director Baker stated that the facility committee is aware of this development along with a couple of other potentials and felt that they could accommodate the students. Mr. Kahoe indicated that the buildings are older, but the developments are not a “tipping” point.
- Asked effect on emergency services - Chiefs Morgan and Mihalek indicated that there would not be any addition to staff or vehicles, and can't quantify what the increase in calls might become when the development is fully built out.
- Asked to what extent a traffic study has been performed - Director Baker was not aware of any study. President Swan felt that our own engineers had done the review and would look it up as it was done through Planning.
- Wanted to know how using the Expedited Type 2 annexation speeds the agreement through so that the courts could not catch up and there is no time for litigation - Mr. Hanna indicated

that what was meant is that the Expedited Type is a little quicker process than doing the standard Type 1, but it still goes through the County and the Village Council for approval. The litigation reference was to the number of conditions and tests that the Ohio Revised Code proscribes to analyze whether an annexation should be approved. The conditions on what someone can object are much more limited in the Expedited annexation.

- Wanted to know what would have to be true for the Village to run without accepting the development - Mr. Hanna indicated that the Village would have to construct the collection lines in addition to the force main which would add \$1 million to the costs or purchase the collection lines at an unknown price. These additional charges would be spread to the current residents. There would not be any additional way to collect these costs. Director Baker indicated that assessments would jump to anywhere from \$28,000 to \$60,000. Mr. Kahoe indicated that there would be another \$1.5 million and the \$28,000 would be significantly increased if there is no development. Mr. Hudak reminded the audience that if the Village does not take over the system there will be a significant rate increase to residents to replace the plant itself.

John Nowakowski commented that with all the outstanding questions this agreement should not be approved at this time.

Krish Nowakowski, 3571 Burrwood, asked:

- Will there be any property left in the township – Mayor Beshara that all of the property is being annexed.
- Is any Furnace Run property being left in the Township – Mr. Hanna indicated that all of the property is being annexed. Mr. Lyons stated that the map presented does not include all of the property. Director Baker clarified that the property north of her residence is in the island would still create an island because the rest of the property is in the Village.
- Would the snow plows have to come to do the houses left in the Township – Director Baker said this would have to be worked out with the Township.
- Is the developer committed to paying the assessment even if it is not developed – Mr. Hanna indicated that they were committed.

Christine Young asked

- What is the valuation of the proposed homes - Director Frantz felt that the valuation would be \$275,000 to \$350,000.
- What “out” might there be for the developer if he cannot construct the homes. Mr. Hanna indicated that once the assessment is signed they are committed. If at any point the Planning Commission were to disapprove some of the things bound under the agreement to approve, if the approval does not take place the agreement is dissolved. Director Turk indicated that once the petition for assessment is signed, the assessments are levied against the property and stays with the tax bill until collected. One of the benefits that if it is on the taxes it stays there where on a contract it is on the Village to go after them to pay.

She commented on the fact that Richfield is beginning to look like other dense neighborhoods and wanted Council to look

Jim Koewler asked for the square footage of the homes. Director Frantz stated this is unknown but when talks started they were stated to be 2000 to 4000 square feet which is well above the minimum imposed by the regulations.

Christine Young asked how close are we to the beginning of the timeline. Mr. Hanna indicated that signing is close, with the developer waiting to see if there is anything that they have to take care of before signing.

Mr. Hudak stated that he believes that over the 17 years he has looked at statistics the Village

averaged 9 new homes per year, so he does not feel this will build out quickly. He reminded everyone that this agreement takes the number of homes down from over 200 to 147. He thanked everyone for the work done to come to a reasonable compromise.

WORK SESSION (Planning Commission joined Council)

Discussion Topics

1. Ordinance 16-2016, Dev. Agreement with Richfield Furnace Run Associates, LLC and Water and Sewer, LLC

Planning Commission member, Charles Bolester, felt that the drawing presented is very inadequate as a preliminary design. He stated that the Planning Commission has to designate the zoning of the annexation, be referred and make a recommendation on the public utility extension, work through the preliminary and final design of the development.

During discussion it was determined that the preliminary plan presented is actually a conceptual plan and must conform to subdivision regulations, the exact boundary of the property being annexed needs to be clarified before signing the agreement particularly the northwest corner bounded by State Route 303 and I77. Safety access could be an issue and should be worked out before the final plan is accepted.

Many details were brought up by Planning Commission that needed to be included before the drawing presented can be called a preliminary plan. It was stated that it is an Overall Layout Plan and the agreement will eventually have a preliminary plan developed from this overlay.

There was a discussion on safety services that indicated that a recent traffic study should be conducted when this development is determined to be built.

Mr. Lyons summarized that he felt there was not a large outcry against the development as presented and that planning has a process that must be followed before the development can become a reality.

Mrs. Lanford wanted to be sure that the audience still present discussed the proceedings of the evening with those not present to be sure that Mr. Lyons feelings are correct.

President Swan stated that if the agreement is signed there is little opportunity to turn back. Mr. Hanna verified that it needs to be undertaken in "good faith".

Mr. Hanna stated the items that needed to be completed: 1) the description of the property needs to be exact, 2) flushing out concept plan versus preliminary plan; and 3) talking with the engineer to develop some of the backup materials for Planning Commission to make their referral to Council. In regards to if this is ready by the next meeting, Mr. Hanna stated that when we have a revised draft development agreement it will be provided to Council; and provided it is in sufficient time for review it can be passed at the next meeting; but one more meeting will not hinder development. Mr. Kahoe brought up the traffic study, Mr. Hanna and Mr. Lyons indicated that the traffic study will be done during the planning process by Planning Commission. Mrs. Lanford wanted to be sure that the sentiment heard tonight is the same throughout the Briarwood community, as she had heard differently very recently.

Discussions on:

Old Business

None.

New Business

None.

MOTION: TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSES: 1). TO DISCUSS THE ACQUISITION OF PROPERTY FOR PUBLIC USE; AND 2). TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, AND OR TRADE SECRETS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE WHICH IS DIRECTLY RELATED TO A REQUEST FOR ECONOMIC DEVELOPMENT ASSISTANCE TO BE PROVIDED PURSUANT TO CHAPTER 715 AND CHAPTER 5709 OF THE OHIO REVISED CODE.

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

Council Adjourned to Executive Session at 9:10 pm and returned at 9:41 pm.

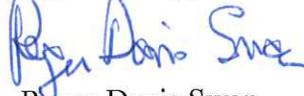
ADOURNMENT: President Swan adjourned the meeting at 9:41 pm.

Respectfully submitted,



Carolyn Sullivan
Council Clerk

Approved by,



Roger Davis Swan
President of Council

Melanie Baker

From: William R. Hanna <whanna@walterhav.com>
Sent: Tuesday, April 19, 2016 2:58 PM
To: Roger Swan; Rick Hudak; Barb Lanford; Pat Healey; Mike K. Lyons; Andy Ellis; Jim Kahoe
Cc: Mayor Bobbie Beshara; Sandy Turk; Keith Morgan; Jason Mihalek; Brian Frantz; Melanie Baker
Subject: Briarwood information

Dear Council:

In advance of tonight's Briarwood discussion, I wanted to pass along the following responses and information developed by the Administration related to the discussion, and certain questions that arose, at Council's work session two weeks ago. Since that time, we have tried to focus upon and better frame certain issues to aid in Council's consideration of Ordinance 16-2016, which would authorize the Development Agreement if passed.

Elections and Taxes

Regarding elections, as previously indicated, "Under existing interpretations of the Ohio attorney general and Ohio case law, residents of the annexed territory would be residents of both the township and the municipality, **would be entitled to vote in city and township elections**, and would be **subject to taxation by both** taxing authorities. E.g., 2005 Ohio Atty.Gen.Ops. 2005-024, at 2-244 to 2-245." *Sugarcreek Twp. V. Centerville*, 184 Ohio App.3d 480, 508 (2009).

The above also addresses Mrs. Lanford's question about special levies: The area would be subject to Village taxes, although under Ohio law requiring uniform taxes, the taxes in this area would need to be levied at the same rate as elsewhere in the Village.

****Please note** in this regard that in the event of a standard annexation, the Village would have an obligation to pay over a portion of its real property taxes to the Township, for a period of years. Under the Type II scenario, since the Township is receiving its own property taxes, this obligation does not apply. The tax burden on residents of the New Briarwood development, however, would be higher than elsewhere in the Village.

Cost of Municipal Services & Net Impact to Village

Following Council's work session on April 5, 2016, Administration officials and Council President Roger Swan met several times to discuss the validity of the "\$1,000/household" figure that came up during that discussion, in connection with projecting the cost of providing municipal services to "New Briarwood." Upon review of financial impact analyses prepared regarding potential annexation scenarios in 2014, it was determined that this figure had its origins in Township projections that understandably attempted to account for anticipated additional contracted Police and Fire protection costs, which constituted the bulk of the estimated cost per household.

After considering various alternative methodologies to estimate costs, Administration officials including the Finance Director agreed that dividing the budget for the Village by the number of the households in the Village (or doing the same for any particular department) did not provide useful insight into the actual additional costs that would result from the addition of 10, 50, or 150 households into the Village, whether by annexation or by development. Rather, there are some costs that are somewhat predictable (certain Service Department costs), while others are indefinite and/or unlikely

to increase directly as a result of the additional households. In addition, there are certain revenues associated with the new households that will occur and can be estimated.

The below summary identifies the predictable costs and revenues that would be associated with the development/annexation currently under discussion, and the annual impact is currently estimated at **less than \$5,000** in additional cost to the Village.

Police and Fire

No hiring of police officers or firefighters, and no equipment purchases, would be necessitated by the "new Briarwood" subdivision.

Service Department

Based upon a 5-year review of Service Department costs, the projected annual cost of services to the "new Briarwood" development, assuming 147 homes and 1.5 miles of public road, would be: **\$20,445** for trash collection; plus **\$23,439** for roadway maintenance (includes brush and leaf collection, ditching, berming, patching and crack-filling, and snowplowing).

Total estimated Annual Cost: \$43,884

Estimated Tax Revenues to Village if fully developed/built-out

Property Tax: **\$30,000-\$35,000** (based on 147 units and an average value of \$275,000-\$325,000)
Income Tax: **\$11,145** (assumes 5% live and work in Village, median household income of \$75,814)

Total estimated Annual Revenue: \$41,145 -\$46,145

William R. Hanna
Attorney

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Sanitary Sewer Rate comparison for Briarwood

4/18/2016

Briarwood Residents:

	\$ / 2 months	no. pays / yr	Annual cost
All pay a flat fee	\$ 308.87	x 6	\$ 1,853.22

Current fees for Village sewer:

	# of MCF	cost / mcf	quarterly rate	no. pays / yr	Annual cost
Minimum with meter	1.34	x 108.18	\$ 144.96	x 4	\$ 579.84
Minimum with out meter	2.1	x 108.18	\$ 227.18	x 4	\$ 908.71

The average 4 person house hold will probably use the 2.1 to 3 mcf per quarter.

The average single person or 2 person house hold will probably use less than the 1.34 mcf per quarter.

Therefore, looking at the annual cost for bills the current residents will go from

\$ 1,853.22 per year

to

a bill of \$ 579.84 per year - household of 4 or less

for a savings of \$ 1,273.38 per year

or a bill of \$ 908.71 per year - household of 4 or more

for a savings of \$ 944.51 per year

Depending on their usage.

This will amount to a possible savings of between \$944.51 and \$1,273.38 annually depending on ones usage.

Please understand that the cost for sewers will be dependant on the consumption of water, regardless of minimum billing requirements.

NOTE:** This does not include any increases due to NEORS D which has been around 10% annually for the last few years. This does not include any increase in sewer billing due to the Village portion of cost. As the sewer billing goes up the savings will go down.

Brush / Leaf Collection, Roadwork and Trash Collection
(Items performed or run under the Service Department)

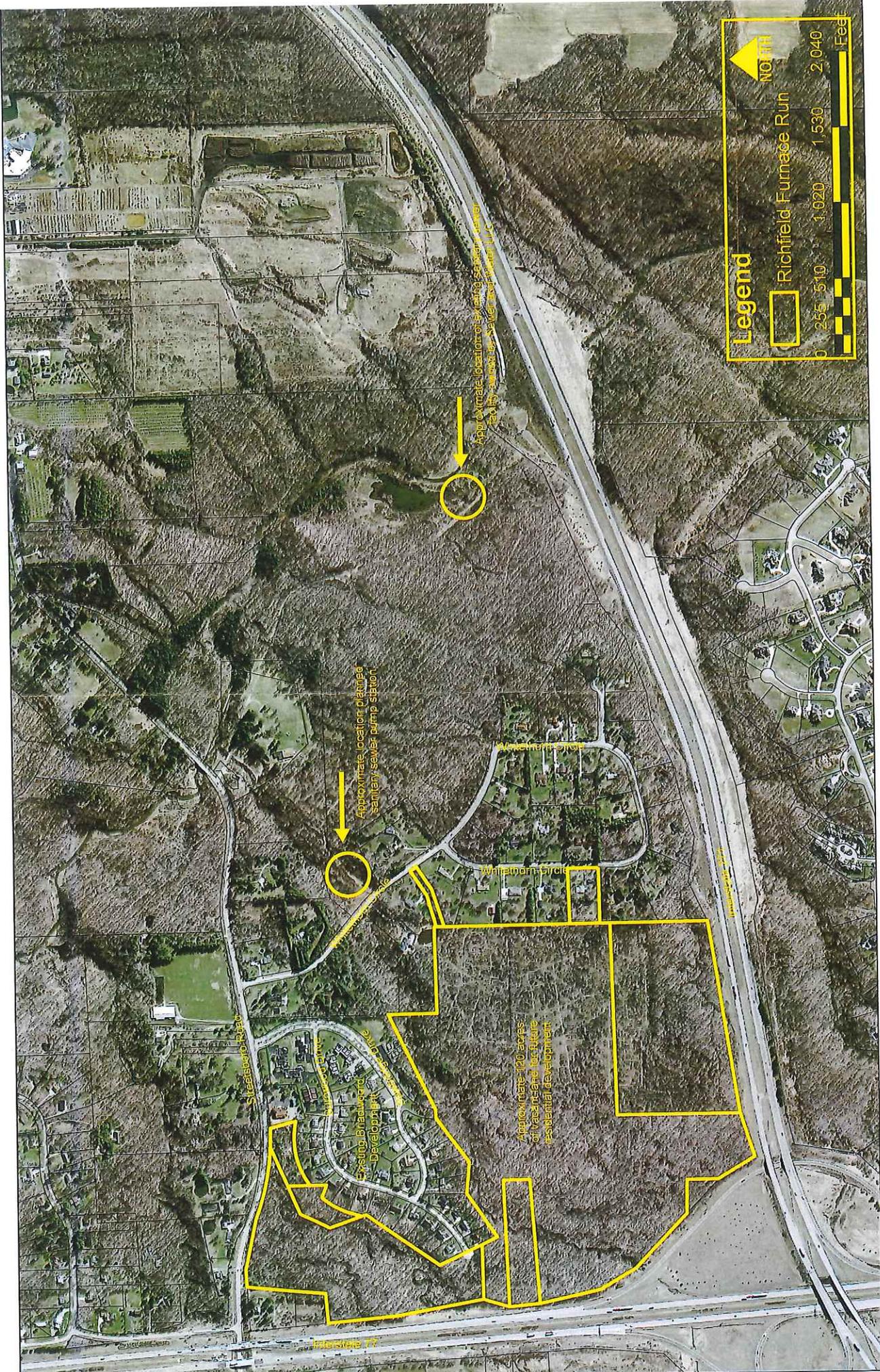
Man Hours	Avg cost / mile/ year	Line A
Brush	\$ 1,460.18	
Leaf	\$ 797.87	
Ditching	\$ 4,235.49	
Berming	\$ 754.40	
Patch/Crack Fill	\$ 1,699.93	
Snow & Ice	\$ 2,129.35	
Annual Totals	\$ 11,077.23	
Expenses	Avg cost / mile/ year	
Street Striping	\$ 426.01	
Drainage Materials	\$ 191.08	
Limestone, Gravel	\$ 197.87	
Asphalt	\$ 550.45	
Ice Control Materials	\$ 3,183.39	
Street Paving - D01		
Annual Totals	\$ 4,548.80	

(This will be a \$300,000.00 influx in budget once every 10 to 14 years depending on traffic and use.)

Trash	\$ / res/ month	no. month	no. of new res.	annual cost for trash
	\$ 11.59	12	147	\$ 20,444.76

(This does nto take into account any future increases for contracts.)

Line A	\$ 11,077.23	Avg. cost / mile / year of man hours
Line B	\$ 4,548.80	Avg. cost / mile / year of material costs
	\$ 15,626.03	per mile cost / year
		1.5 miles of new road
	\$ 23,439.05	approximate cost for new road and residents/ year
	\$ 20,444.76	annual cost for trash (does not take into account any future increases for contracts)
	\$ 43,883.81	Approximate cost for new development for service department services.



Legend

- Richfield Furnace Run

0 255 510 1,020 1,530 2,040 Feet

North

Approximate location of existing sanitary sewer line to be owned by Steadfast Furnace Run LLC

Approximate location of future sanitary sewer pump station

Approximate 120 acres of vacant land for future residential development

Steadfast Road

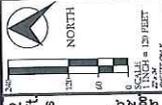
Interstate 77

Whitcomb Circle

Existing Braeburn Development

Future Residential Development

Public Storage



Parcel No. 2
22,274 Sq. Ft.
0.5113 Acres

KERTESZ - BRIARWOOD
OVERALL LAYOUT PLAN
TOWNSHIP OF RICHFIELD, COUNTY OF SUMMIT, STATE OF OHIO

NEFF ASSOCIATES
12500 Woodloch Forest Dr., Suite 100
Cincinnati, OH 45244
Tel: 513.733.1111
Fax: 513.733.1112

SHEET NO.	1
DATE	07/09/16
DESCRIPTION	INITIAL LAYOUT SUBMITTAL
DESIGNED BY	UNITS BY
DRAWN BY	DATE
PROJECT NAME	2507
PROJECT NO.	2507



Interstate Route 77

Interstate Route 77

Ramp "B"

Parcel No. 2
22,274 Sq. Ft.
0.5113 Acres