



**REGULAR SESSION OF COUNCIL
MINUTES
MAY 3, 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, Assistant Fire Chief McLain for Fire Chief Mihalek, Service Director Baker, Parks and Recreation Director Jocek, Finance Director Turk, Law Director Hanna.

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES FROM APRIL 19, 2016 REGULAR MEETING AS SUBMITTED.

Moved by Lanford; seconded by Lyons. Upon roll call motion passed unanimously.

DISCUSSION: None.

COMMUNICATIONS AND PETITIONS: None.

MAYOR'S REPORT: The Mayor

- Announced that the NEORSO proposed sewer rate is an increase of 9.5% starting next year and continuing for each of the following 5 years. There will be a series of meetings to discuss the increase starting May 17th at Nordonia High School and continuing at all three Tri-C campuses. The Board will probably approve this increase.
- Announced that the storm water fee will be reinstated in July. This is not applicable to Richfield Township residents. Those Township residents that have sewer will not be included either.
- Stated that the Tree and Landscape Committee met last month and discussed the use of organic fertilizer on Village properties. The cost is significantly higher for organics. It was decided that on the areas where children play, Richfield Woods and Town Hall ball areas, organics will be used. The usage will be evaluated after this year. Mr. Kahoe concurred with the statement.

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

Report stood as submitted with the addition of April call count: Village 1085, Township 277.

Report

Calls for Service:

Calls for service for April will be provided at the meeting

Report:

The Mayor, Finance Director and I attended a meeting with Revere Local Schools and Bath Police to determine if we are going to continue to provide a school resource officer for the school district.

The SRO program began in 2013 as a collaborative effort of the Village of Richfield, Bath Township and the Revere Local School District. Several candidates were interviewed for the SRO position; Bath Officer Eric Shaeffer was chosen and has served in that capacity for the duration of the contract.

All representatives in attendance agreed that the SRO has been invaluable as a connection between the students, the schools and the law enforcement community.

We recently received a contract with proposed amendments that we will be reviewing prior to presenting it to Council for a decision on whether to continue to provide funding.

Legislation:

None

Assistant Chief McLain for Chief Mihalek – Fire

Report stood as submitted with addition of April call count: Village EMS 44, Fire 12; Township EMS 18, Fire 10; 4 Mutual Aid Given, 3 Mutual Aid Received; Total 89 calls. He also reported that the 5 K run had over 100 participants and 80 attendees at the pancake breakfast and is considered a success by the Department.

Report

The Richfield Firemen's Association has been working very hard to prepare for the Firefighter's 5K in coordination with the RJRD and Bath-Richfield Fire Explorers. We hope this event showcases the RJRD and stresses the importance of physical fitness and how enjoyable fitness can be. They have many participants that have signed up and many sponsors that have donated. We hope all that attend enjoy this event and enjoy a pancake breakfast hosted by the Bath-Richfield Fire Explorers.

We have been working with Bath Fire Department to stage the annual mock accident at Revere High School with prom right around the corner. We will have a mock accident that shows the possible result from drinking and driving. University Medevac will also land on the scene to assist in this very important learning experience for our students.

Lastly, we have been working with our dispatch on the upcoming EMD dispatch. We believe this to be a very important and proactive approach to providing the best emergency medical care to our community. There are many requirements of the fire department, one naming one of our paramedics to work with dispatch and receive this training to formulate a supervisory team. This team will ensure quality control on every call for emergency medical calls for service.

Director Baker – Service

Report stood as submitted with the additional note that she and the Mayor met with Summit County to discuss the six roads that have shared resurfacing/paving costs. The County does not have any money to allocate at this time. They are working together to come up with a plan to do the top three: 1) Alger, 2) Everett (Cleveland Massillon to Revere), 3) Townsend (Brecksville Road to Cuyahoga County line). The Mayor added that to add a 4' bike line on Everett would cost \$600,000 additional using the pavement; but there is a material that would cost 35% to 40% less, which is being looked into.

Mr. Hudak asked if the Masonic remodel would be completed by the end of next week. Director Baker said that is the plan and is meeting at 1 pm tomorrow to go over the plan with the architect to see if there is a way to make the deadline.

Report**3921 Brecksville Road**

Council will have before them a resolution to allow the Mayor and Finance Director to enter into a contract with Hemminger Construction Company of Akron Ohio for the reconstruction of 3921 Brecksville Road.

The Village of Richfield received 11 bids for this project. The prices were all very competitive. The lowest bid was from Hemminger Construction Company. The cost was \$1,066,200.00 for the base bid and \$56,500.00 for the resin floor. The total cost of the contract before Council is for \$1,122,700.00. This total cost before Council is below the engineer's estimate of \$1,150,000.00.

If Council agrees with this contract, I would respectfully request that the second and third reading be suspended and the resolution be adopted. This will allow the contract award to move forward and allow us to take advantage of the spring weather breaking and allow for a quicker start to construction.

Edward P. Pfister Auctioneer

Council will have a piece of legislation before them to allow the Mayor and Finance Director to enter into a contract with Edward P. Pfister III Auctioneer for the service of auctioning the excess cars, office furniture and other items designated as no longer being needed by the Village for use.

This contract is calling for the auction to be held in August of this year. The legislation can go for three readings. We will also follow up with legislation asking Council to approve the disposal of all items that each department wishes to dispose.

Expenditure Request – as per resolutions.

Projects**Briarwood Development:**

As a follow up to the last Council meeting and work session, I have followed up on a few questions asked at the last meeting. Please see the attached sheet with answers.

Masonic Temple

Construction continues on the Masonic Temple. The plumbing is nearing completion and the walls are going up. All finishes, fixtures and items required for the finish have been chosen.

Summit County Engineer

Mayor Beshara and I met with Joe Paradise, Larry Fulton and Sam Ross from the Summit County Engineer's office in reference to Everett Road and several other roads that are shared by the County and the Village. We had a brief discussion to discuss the repaving of these streets. The County had prepared some probably cost estimates. We discussed the need to widen Everett Road. I will work on our future plans for road paving / resurfacing and be in touch with the Summit County Engineer for assistance and cost sharing on the roads that are shared.

Recommendations/Considerations: none.

Briarwood Questions from 4/19/2016 meeting

What property is included in the development agreement?

Page 1 of the Development Agreement, first WHEREAS, describes the parcel that the developer owns and wishes to develop. The description of the parcel is known as Exhibit "A" and the preliminary development plan is Exhibit "B". I did go over the legal description and was able to tie out all the measurements with the whole parcel. The legal description describes the entire area now located in the Township. The entire area in the Township will be annexed to the Village. Please see the map showing the annexed area.

Objection to front footage for the condominiums.

In order to keep the 5 - factor formula equitable and fair, I did assign front footage to the condominiums. Please see the attached drawing. As you will see there is considerable frontage for the condominiums. Of the 3,325 lineal foot of street frontage owned and occupied by the condominiums I only utilized that area that would have the utility running in front of it. That front footage equaled approximately 2, 204 lineal feet or 68.88 lineal feet per condo unit.

Entrance / Emergency Entrance on Streetsboro Road (State Route 303)

The issue of another entrance into the development from Streetsboro Road has been discussed with the property owner in the past. Please see the attached drawing indicating the possible entry and the issues with the area.

Traffic Study

Found in the file was a Traffic Study as performed by the Village Engineer at the time of Finkbeiner, Pettis & Strout, Inc. The study was done for the existing conditions and future growth. At the time the report was done November of 2000, they took into account a future growth of 170 new homes. The engineer's recommendations were as follows:

- A traffic signal is not war warranted at this time and should not be installed.
- Physically improve the intersection sight distance for Sawbridge Drive and Briarwood Road by lowering the grade of Streetsboro Road.
- Add warning signs and post advisory speed limit of 35 mph for this area.
- Although the capacity analysis does not support the need for turn lanes, it is our opinion that the Streetsboro Road/ Sawbridge Drive intersection will function in a safe manner by adding an exclusive right turn lane to the west leg of Streetsboro Road and an exclusive left turn lane to the east leg of Streetsboro Road.

The unique issues with this intersection is that half is in the Village and the other half is in the Township. To further complicate the matter this is a state route under the direction of ODOT for the township half. We can obtain permits and do work on the Village half but need the cooperation of the Township or ODOT to finish the other half. Please see the attached map.

Director Jocek – Recreation

No report was submitted.

Report

Director Jocek did report that the cicadas have been seen in the Village. Next week there will be a program on the cicadas. The program is being held May 12th, at 6:30 pm at the Eastwood Preserve and is being put on by Cleveland Metro Parks.

Director Frantz – Planning and Zoning (Director Frantz was absent and no report submitted.)

Report:

Director Turk – Finance
Report stood as submitted.

Report:

Income Tax Collections

The April's preliminary income tax revenue appears to be up 4.7% compared to April 2015. Year-to-date income tax revenue is up 5.0% over the same time period last year. A 2% increase was built into the budget. A separate memo will be sent out next week providing more detail. We had approximately 20 residents come in and ask for assistance in completing their income tax forms.

2014 Audit of Ohio Police & Fire

As you know the State Auditor contacted us earlier this month and indicated that they were auditing the Ohio Police and Fire Pension Fund (Ohio P&F) census data and that they would come in to audit the Village's 2014 data to ensure it was accurate and that it matched the Ohio P&F data. This is the first time that the Auditor has done this and it is in addition to our regular audit that Charles E. Harris will be conducting. They also expect to charge us up to \$410 to complete the audit. I did inquire why we had to pay for the audit since this was for the Ohio P&F Fund audit. The response that I received is as follows: "As far as why it's not charged to OP&F, that I'm not sure about but we were told in our instructions "the employers will be billed for the engagements". Municipalities can't have financial institutions/vendors billed for the audit fees related to the confirmation of deposits or payments made by them. None the less, John Wilkens came in and completed the audit and they should issue the report shortly.

Quarterly Federal and State Payroll Reports Filed

The required employer's quarterly Federal and State tax returns were also prepared and submitted to the respective authorities.

First Quarter Sewer Billings

The first quarter sewer billings were mailed out Tuesday, April 26th. Payments are due by Thursday, May 26, 2016.

Recommendations/Considerations:

None

Legislation:

A. Resolution No. 26– 2016 – To Make Appropriations for Current Expenses and Other Expenditures

This resolution is being submitted for first reading only. There is an appropriation request in Dispatch for \$8,473 to cover miscellaneous Emergency Medical Dispatching (EMD) equipment and support required to train the dispatchers through Priority Dispatch Corp. This includes EMD card sets, QA Guide, continuing education CD, EMD-Q certification course, travel expense, project manager support, and annual maintenance. This training will be mandatory for Public-Safety Answering Points by 2018. 911 wireless funds will be used to cover these expenditures.

B. 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 second 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

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; but he wants to have a Finance Committee of the Whole meeting which would be an outline of where we are and a “glimmer” of a look at how the Village will stand at the end of the year. It was decided to do this committee meeting during the next Work Session on May 17th.

Mr. Hudak announced the dates:

- July 24th for the Annual Sweet Corn Challenge. This event showcases the community. Actually has attracted some high quality people as a result of it. Many areas not usually seen are visited by the participants. It benefits Town Trust which works on restoring the historic areas of the Village.
- August 13, Saturday, Community Days will be the steak fry of which the proceeds go for scholarships for Revere graduates.
- August 14, Sunday will have the parade which previously was held on Friday. It will be at noon and ends at Richfield Woods where the festivities continue.

President Swan– Planning & Zoning Commission; RJRD

No report, but he mentioned that P&Z met last week and their decisions/actions will be noted under the appropriate Ordinances and in the Work Session.

Mr. Lyons – Township Liaison

No report.

Mrs. Lanford – Human Services Commission

No report.

Mrs. Healey – Parks & Recreation Board Representative

Mrs. Healey, Parks and Recreation, there was a suggestion made at the meeting that the number of trees at the give-away be limited to 7 per family and not 7 per person as was done at the last event.

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

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

The Mayor indicated that a letter had reached her office via e-mail that had been sent to all Council members and should be made part of the record. This letter concerned Ordinance 16-2016, Briarwood. A copy was circulated to members of Council who had not received it and is included at the end of these minutes for the record.

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY

None.

ORDINANCES AND RESOLUTIONS.*First Readings:*

RESOLUTION 26-2016 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.

RESOLUTION 27-2016 Offered by All of Council

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH HEMMINGER CONSTRUCTION COMPANY, INC, AKRON OHIO FOR RENOVATIONS TO THE SERVICE DEPARTMENT BUILDING AT 3921 BRECKSVILLE ROAD, AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: Mr. Hudak asked if there were any surprises in the bids. Director Baker indicated that the bid was substantially lower than the engineer's estimate and Hemminger has a good record. There did not appear to be anything in question as there was a pre bid meeting where everyone could walk through the building. Mr. Kahoe asked how long the bid would be good for. Director Baker indicated 45 days from opening the bids. Mrs. Lanford asked where the spreadsheet of the bids was and wanted to know if there was anything unusual about the bids. Director Baker indicated she could provide that spreadsheet but there were three bids that were close plus two that were over the engineer's estimate. Mrs. Lanford was just surprised that the spreadsheet was not provided and stated that she would probably be voting against the Resolution. Mayor Beshara stated that Town Hall was done by Hemminger and would like to see this project get started now that there is good weather. Mr. Kahoe asked Mrs. Lanford to vote for the suspension of 2nd and 3rd readings and vote against adoption if she still desired to.

MOTION: TO SUSPEND 2ND AND 3RD READINGS OF RESOLUTION 27-2016.

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

MOTION: TO ADOPT RESOLUTION 27-2016.

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

DISCUSSION: None.

RESOLUTION 28-2016 Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO A CONTRACT FOR AUCTIONEER SERVICES WITH EDWARD P. PFISTER III - AUCTIONEER.

CAUCUS DISCUSSION: There will be a list of items that are going to be auctioned off by the first meeting in June.

Second 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: Public Hearing on June 7th.

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.

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.

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: Mr. Hanna indicated that NEORSD has not responded to the questions he raised. Within the agreement is the opportunity for the Village to utilize collected fees but, the NEORSD must be given the opportunity to review the project or the fee rebates may be lost. The questions are concerning this process.

Inactive Items:

None.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

COMMENTS FROM THE FLOOR (On any item):

Nagwa Ahlborg, 4760 W Streetsboro, asked:

- Where does the Village stand on the Water Tower – Mayor Beshara stated that work is still being done. Cleveland Water has applied for OWDA money, but the site cannot be disclosed as of yet.
- Wasn't there just a sewer rate increase – Director Turk indicated that there was an 11% increase which ended up as an 8% increase when blended with the Village charges applied to sewer bills. This was the last of the 5 year increases that had been approved to begin in 2012. Mayor Beshara stated that the rate she mentioned in her report will begin in 2017 and will be 9.5% a year for the next 5 years.

Mike Creager, 3850 Sawbridge, stated his concerns are the quality of life and the impact of the impending development. He felt it will affect the peace, tranquility and ambiance of the area. Council has talked many times about the issues, but he feels that the major issue is that the Village retains control and not give that up to the developer until the plan is in place. He feels if the sewer transition takes place the developer should pay all the costs instead of having the Briarwood residents contribute even more.

Belinda Stuckey, 3848 Scanwood, asked:

- Where are the updates suggested at the last meeting – President Swan stated that this will be discussed during the Work Session and that Planning Commission did a couple of items at their meeting last week.
- Where are the changes and enhancements to the agreement – Mr. Hanna indicated he is in the process of drafting the clarifications and revisions discussed at the last meeting and anticipates reviewing them with Village personnel and then getting it to the owners of Water & Sewer to work out any language updates.
- Expressed her anxiety about doing the needed analyzation, the size of the project, and the increase in sewer rates – Mayor Beshara emphasized that it was not a Village rate increase but was all NEORS D increase. Mr. Hudak responded that the reason in his opinion this (Ordinance 16-2016) is not being approved is due to the comments from the last meeting. During tonight's work session answers to some of the questions raised last meeting will be provided. He feels that Council is taking all issues into consideration and is not rushing into the agreement. He is sure a good compromise will be arrived at with the sign that no one walks away completely happy or completely unhappy.

Mrs. Healey wanted to clarify by asking if it was said that this is to the advantage of the Village and that it should be the advantage of the current residents. Belinda Stuckey indicated that she said that however it turns out it should be advantageous to everyone, residents and community. Mrs. Healey said that just to be clear this agreement is not to the advantage of the Village. Belinda Stuckey indicated that it sets a precedent and that she does not want these popping up all over the Village. Mrs. Healey remarked that it will not be as dense as Parma, given that there are common areas without any houses on them. President Swan indicated that this is a very unique situation and feels it does not set a precedent for anything as there are Planning and Zoning rules that need to be followed for future developments.

John Nowakowski, 3571 Burrwood Dr., asked:

- Will the Village take over ownership of the sewer plant – Mr. Hanna indicated this is not the case, the Village will take the collection facility but has no part of the plant.
- Is the existing plant capable of handling the additional 150 homes – Mr. Hudak indicated that there are no plans to use the plant, just the collection facility. Mrs. Lanford said that she thought the plant was built to hold the addition, but that the plant is failing. Director Baker stated that the workability is not failing. The land around it is falling away and it needs to

be shored up. The facility itself was designed to actually hold an additional 288 units, so it was designed to handle that. It is just not being utilized to its fullest ability at this point.

- Who would have paid for the development to tie in to the existing plant if the proposed agreement did not take place – Director Baker stated it would have been at the developer's cost and added as part of the cost of a lot. Mr. Nowakowski feels that the plan is causing the existing residents to pay for a sewer system they do not need as they already have one. Mr. Hudak stated that if everyone wants to stay with Water and Sewer LLC, the Village can withdraw the agreement. Mr. Hanna thought that these more detailed questions should be handled in a different way and let this time be for comments. Mayor Beshara stated that the current rate may increase if Water & Sewer needs more money and if the development does not go into the area.
- What will happen to the sewer plant and the space that it occupies – President Swan and Mr. Hudak indicated that the plant will be demolished when no longer needed and the land will revert to the National Park.
- Is the northern portion of the land included – Director Baker has checked the boundaries and the property to be annexed includes this land.
- What does the County Commissioners handbook say about creating an island of Township residents – Mr. Lyons indicated that that is a legal question that needs interpretation and cannot be appropriately answered at this time, but appearances are that the island needs to be created in one annexation, but if it results from multiple annexations it is okay.
- How are we assured that the northern portion of the land will not be developed – Mr. Lyons indicated that we were going to clarify this point; but the Service Director has checked the description of the property to be annexed and it includes this area. The proposal indicates it will be open space. He further stated that we are in the process of clarifying that all the land up to Rt. 303 is included in the agreement (there is a small piece already in the Village that needs the most clarifying.)
- Would there be space to put a water tower on the land – No water tower can be built on the land as it is too low.
- Where are the proposed lift stations – Director Baker stated the larger one is located off Briarwood Road in the Township, and the Village has obtained some park land to put this station on; and the second location is just west of I-77 and north of Rt. 303.
- Without adding the lift stations and tying into the Village system available, the developer would pay for all of the services, but the agreement has both the current residents and the future owners paying, which results in passing on some of the cost to the current residents; which results in the developer getting a bonus -- Mr. Lyons indicated if the Village does the project of the force main, the developer still has to do the collection system not the Village and not the Briarwood residents. The difficulty with letting him do that and going forward and use the old system, the Briarwood residents would still be on the old system and perhaps the new development would not be enough to substantially reduce the bills. Furthermore, the Briarwood residents would share in the cost of upgrading the plant which is being undermined. It does not appear to the Village that in the long term the old plant is not viable as it is located by a stream and is being undermined. If that circumstance did not exist the Village would be more inclined to let everyone use the old plant, build the new development, and reduce the unit cost because it is being spread over triple the number of units. However, the plan proposed by the Village has the assessments ending over the next 20 years. If the old plant is used it may be necessary in 20 years to do this project anyway and your savings by using the old plant during that time will be eaten up in that it will be a much more difficult and costly project. The Village has not sought out this problem, the situation of high current resident bills was brought to the Village. The Village is pursuing it because it is a problem for the current residents. In the short term it is a problem because of

the high rates and long term because the system does not look viable for a permanent solution. Mr. Hudak noted that until this round of talks, the Village has only been approached by Briarwood residents who said their rates were too high. To alleviate the high cost is why the Village got into this project. He stated that now he is getting calls from Briarwood residents who are concerned about what Mr. Nowakowski is talking about, others talking about increased traffic flow from the proposed development, and from people from other parts of the community who want things in their area (i.e. sidewalks) and asked why Council is spending so much time and money on a community with 80 residents and ignoring the rest of the community. When people came to us and asked for help to alleviate this utility cost, that is what got the Village involved in the first place. He feels that this is going to result in a solution that isn't going to make everybody thrilled. He asked that everybody remember that 147 units is a lot better than the 280. Under the Township judgement 280 homes are allowed.

- When is the last time an engineer did a study of the facility – Director Baker felt that that would have been done during the last rate increase by the PUCO.
- Would the Cleveland water system be adequate to serve the additional homes – Director Baker felt that they were aware of the proposed addition when the existing water lines were extended. Mr. Lyons felt that the pressure was adequate to serve the additional homes.
- There are a lot of potential revisions to the legislation, does that mean it is set back to first reading – No it is not reset.

Robert Zuccaro, 3585 Burrwood, asked:

- When did the Village become aware of this new plan – Mayor Beshara thought that it was about 1 ½ years ago. Mr. Zuccaro didn't think that any residents were aware of the current plan.
- Are the people in Richfield on flat or metered rates – Director Baker indicated that everyone who has water is metered. Those with wells are on a flat rate, but can get switch to meters.
- What expenses, if any is Mr. Kertesz incurring – Mr. Lyons indicated that in the agreement, the properties he is proposing, whether he develops or not, will have the appropriate shared cost of the pump stations assessed. Mr. Lyons indicated that the assessment would go against the property being developed and no proportion of those fees would go against the current residents.
- What happens if the developer goes bankrupt – Mr. Lyons stated that the assessments go onto the property until such time as it is foreclosed for taxes and assessments. A bankruptcy would not affect the current residents. Mayor Beshara indicated that once the current residents are assessed those do not change and with the development property included those assessments are currently being estimated at between \$5,000 and \$15,000. Without the development property, the assessments could be between \$15,000 and \$25,000.

Jim Koewler, 3578 Burrwood:

- Mr. Koewler stated that the \$1.8 million is supposed to be spread over 215 homes in the agreement. The residents have paid the developer many times the cost of the plant over the years, paying into corporations that he owns for administrative fees, etc. He feels that the current residents should get more out of the developer. He thinks that there could be a package plant for the current homes. This would cost \$670,000. "They" should take the collection system from the developer by eminent domain. PUCO records show that the developer has paid zero, so it should be able to be taken for a minimal price. Attach the \$670,000 plant, that can be driven in on a truck, to the collection system and his neighborhood is taken care of. With that as an alternative, "we" should force him to take the money already taken from the residents, at excessively high rates; and apply those monies to

paying the entire \$1.8 million to install the force main. No force main, no development would be the outcome and the current residents could quit subsidizing the developer.

- He stated that entrances to the new development have conflicting notations – one says not improved and was indicated that that is how it currently exists and the other entrance is not improved either but has no such notation. – President Swan indicated that both roads need to exist before the development can go forward. Director Baker can have the plan corrected. Mr. Koewler said that this needs to be cleared up.

Mr. Hudak asked if Mr. Koewler is legitimately asking the Village to hold off building the force main until Mr. Koewler can pursue his idea of getting a plant to service his community. Mr. Koewler indicated that if the Village is legitimately willing to hold off, he certainly is. Mr. Hudak felt that the Village needs some direction from the majority of the current residents. Mr. Koewler stated that he would rather pay \$670,000 than \$1.8 million. Director Baker asked if his proposal was for the current residents to build/purchase the package plant and have the Village maintain it. Mr. Koewler said “yes”. Mr. Hudak clearly stated that the Village is not going into the business of running a sewage plant. Mr. Koewler said that the question is not whether the Village wants to be running a sewage plant, but is that what are we willing to give up or charge to the existing residents as an alternative. So even if it is a negotiating tactic to get Mr. Kertesz to pay the entire \$1.8 which can be “billed” to the buyers in the development; as the existing people have paid him plenty. If he balks, say we will be glad to take your system and put in a \$670,000 plant; it may soften his position. Mr. Kahoe wanted to know if Mr. Koewler thought that Mr. Kertesz would increase the costs to his future buyers. Mr. Koewler felt it depends on much Mr. Kertesz thinks he can get for the lots if there is a different route with the Village withholding water and sewer to the property by not annexing. Mr. Koewler’s feelings are that Mr. Kertesz has gotten paid by the current residents for the plant and if he wants to develop the other property the entire \$1.8 should be paid by Mr. Kertesz.

Chris Young, 3918 Sawbridge Dr., #6, asked:

- After the work session will there be an opportunity for resident input – President Swan stated that if time allowed. Mr. Lyons indicated that Council would make time. Mayor Beshara also felt that administratively meetings could be held to go over the details.
- Could there be a public vote on going forward – Mr. Kahoe thought that it would be good for the community to get together and make a joint decision and bring it to Council. Mr. Lyons thought that it would be good to have feedback from the entire community.
- That Council not vote on the agreement until a final copy is prepared and that the preliminary development plan identified in the agreement should be downgraded to conceptual -- Mr. Hudak indicated that the preliminary development plan should have been called conceptual and the Ordinance will probably not be voted on at this meeting or the next. She is concerned that the draft may be modified for the benefit of Furnace Run
- Chris Young stated that when John mentioned the additional houses sharing costs of present sewer billings, the problem with it is that it may be 10 years or maybe never before all the units are built. So the idea that current residents would be paying less using the existing system is not a valid one and may never happen.
- Is the Village contributing to the project – Mr. Kahoe indicated that there was a figure inserted into the budget so that planning could go forward. That amount was \$300,000 but was not approved.

Mike Zabor, 3747 Whitethorn Circle, has concern with the growth and the traffic increases. He asked for the road to be looked at. He feels that the higher the price of the homes to be built the better it is for current residents.

Mike Creager, asked if there is any possibility of another entrance that is not on the drawing.

Mayor Beshara indicated that it has been talked about many times. There have been a variety of plans presented over the years. Mr. Lyons felt that a lot of time was spent on researching options and he feels practically there is not another entrance possible.

Jeff Stoerkel, 3515 Burrwood, asked:

- Shouldn't this be the obligation of the Village as this system was put in in 1988 -- The Mayor indicated that when Briarwood was put in it was in the Township and later annexed to the Village.
- Is there liability insurance that would cover the damages of Water & Sewer LLC overflowing into Furnace Run – Mr. Hanna indicated that Water and Sewer LLC does have liability insurance as that is required by PUCO; but does not know the extent that this would pay for failure.

Joseph Mangano, 3431 Burrwood Dr. #28, asked:

- Looking at how large the rate increases have been granted and how neglected the property is, has anyone questioned whether it all makes sense – Mr. Lyons indicated that that is all handled by the PUCO. The Village is trying to get a long term solution to the problem.
- Does it make sense that quality people will come for these small units being proposed.

Belinda Stuckey felt that the Village money contributed should only be allocated to the existing residents. Mr. Hudak indicated that it would be applied to reduce everyone's assessment. Mr. Kahoe indicated that there is no way her request can be done.

Mayor Beshara stated that we do not know the size of the houses that are going to be built but believed they are 2000-3200 sq. feet.

WORK SESSION (Planning Commission joined Council)

Discussion Topics

1. Dev. Agreement with Richfield Furnace Run Associates, LLC and Water and Sewer, LLC (Ordinance 16-2016)
The Planning Commission is going to take a look at the plan, and ask that it be more comprehensive. At the meeting PC felt that perhaps an architect could look at the plan and provide improvements. Mr. Hanna indicated that he is working with Director Frantz to develop a list of submittal items to be given to the property owners. There is an option to have the conceptual plan go into Planning Commission for development of a preliminary plan and having the agreement adjusted after the preliminary plan is completed. There is a problem in that option in that the property is currently not in the Village. That needs to be addressed before this can be done.
Council had a discussion on if the residents do not want to have this utility what should the Village do? Council felt it may be helpful to have a session where the situation is explained to the current residents and then have a resident vote on whether to have the agreement or stay with existing system. It was determined that an explanation session would be held at the June 7th work session with an agenda consisting of 1) development, 2) money with Village impact, 3) plant and 4) history.
2. NEORS D discussion (Ord. 22-2016) It was determined that no answers have come from NEORS D so nothing could be discussed.

3. Analyze sewer rates & perform waste water flow analysis (Resolutions 20&21-2016)

Director Baker stated that the last time our portion of the sewer rate was raised was in 2004. There are a lot of issues, i.e. meters, fees, and other variables, that could be disclosed by an analysis of sewer rates. The system needs to be self-supporting

MOTION: TO ADOPT RESOLUTION 20-2016.

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

DISCUSSION: None.

MOTION: TO ADOPT RESOLUTION 21-2016.

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

DISCUSSION: None.

Old Business

Mr. Hudak reminded Council that the Finance Committee of the Whole will meet during the next Work Session.

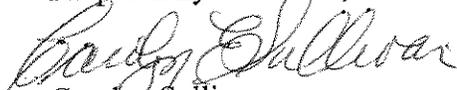
Director Baker asked if the Public Works Committee wants to be invited for the kick off meeting for the sewer studies. The Committee decided it wanted to be included.

Mayor Beshara gave a reminder of two upcoming events: Saturday is Derby Day at RJRD and on May 21st there will be a family fun walk at Richfield Woods of 1 mile for the Mayor's Fitness Challenge.

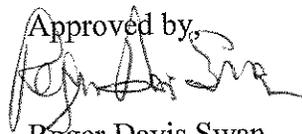
New Business – None.

ADOURNMENT: President Swan adjourned the meeting at 9:10 pm.

Respectfully submitted,


Carolyn Sullivan
Council Clerk

Approved by,


Roger Davis Swan
President of Council

Michelle M. Kocian
3918 Sawbridge Drive #7
Richfield, Ohio
44286
mmkocian1@gmail.com

May 3, 2016

Dear Village of Richfield Council Members,

This letter is in regards to the legislative meeting that will be held May 3. The Briarwood Sewer project is certainly complex, with many different issues to address. I thank you all for the work that you have done and the many meetings and discussions that have been conducted, on our behalf, with the various and numerous officials that are involved in this project. As I review all the notes and information taken from the previous meeting, I have three main items that I hope that you take into consideration.

They are as follows:

- 1) The funding of the project, and how much it will affect us financially:
Remember, we have already been paying the W&S owner thousands and thousands of dollars (unfairly). Please try and spread the financial burden as wide as possible, including having the new Developer pay for everything. Why should we continue to keep paying? My water bills used to be about \$180 a month or more! (Since we got switched to Cleveland Water, my monthly bills are \$20 or less. Incredible). Since August 2011, I have to pay a flat rate sewer fee of \$156 a month. This is outrageous. In August 2016 (5 years) that amounts to \$9,360 !!! Just think of all the home improvements that I could have done with that money.....

- 2) Traffic/safety concerns:
We currently live in an extremely quiet, beautiful, and safe neighborhood. These are the primary reasons why I bought my home here. These qualities are very important to me. It appears that this peaceful lifestyle is about to be disrupted by construction, laborers, and the inevitable traffic caused by many new homeowners and their vehicles.

I don't think it a wise idea for Sawbridge Drive to be the main access road to the new development. You have all driven on Rt 303 in this area, it is a stretch of hilly curvy road that has very limited visibility. The 45 mile per hour speed limit is WAY too high (I've been meaning to talk to the Mayor about this). People routinely drive at least 10 mph or more over the posted speed limit. I dread making a left turn onto Rt 303 every morning to go to work. Those cars come so fast over the hill in each direction, and you can't see them or hear them coming!
With construction vehicles and increased traffic, it is a disaster waiting to happen. (Especially families that move here to have access to the Revere school system; the new teenage drivers pulling out of there aren't always so cautious....)

We need the State of Ohio to conduct a traffic study, decrease the speed limit, put up flashing signs announcing the fact that drivers need to SLOW DOWN and BE CAUTIOUS in this area!!!

*****Even better; they can find an alternate entrance to the development and make that the main entrance; maybe off of Brecksville Road?**

We could also put an all-way stop sign at Burrwood and Sawbridge, so that traffic can proceed smoothly.

3) Further safety concerns:

The Village of Richfield has consistently placed first, or near the top of the Cleveland Magazine list of Best Suburbs to live in. One of the reasons is because it is such a safe community.

I work for the Summit County Court of Common Pleas. I know that many convicted felons can get jobs as construction workers or laborers. I don't mean to be prejudiced against all construction workers, but do they have background checks before hiring? My guess is no. We are going to have a lot of workers going thru our little neighborhood, a place that they were not previously aware of. They could talk about it to their friends and families.

I don't want to live in fear of being a potential victim of burglary, robbery, or worse...

It would be wonderful if the Richfield Police Department could make more frequent drives through the area, especially at night. I always like to see them patrolling the neighborhood.

These are a few ideas that are the most important to me. While you try to resolve this issue, please keep in mind our financial and safety concerns, as well as the disruption to our peaceful lifestyle as we know it.

Thank you for your consideration,

Michelle Kocian



The Village of Richfield

Cross roads to Community and Commerce

Council Meeting 4/19/2016

Briarwood Questions

What property is included in the development agreement?

Page 1 of the Development Agreement, first WHEREAS, describes the parcel that the developer owns and wishes to develop. The description of the parcel is known as Exhibit "A" and the preliminary development plan is Exhibit "B".

I did go over the legal description and was able to tie out all the measurements with the whole parcel. The legal description describes the entire area now located in the Township. The entire area in the Township will be annexed to the Village. Please see the map showing the annexed area.

Objection to front footage for the condominiums.

In order to keep the 5 – factor formula equitable and fair, I did assign front footage to the condominiums. Please see the attached drawing. As you will see there is considerable frontage for the condominiums. Of the 3,325 lineal foot of street frontage owned and occupied by the condominiums I only utilized that area that would have the utility running in front of it. That front footage equaled approximately 2, 204 lineal feet or 68.88 lineal feet per condo unit.

Entrance / Emergency Entrance on Streetsboro Road (State Route 303)

The issue of another entrance into the development from Streetsboro Road has been discussed with the property owner in the past. Please see the attached drawing indicating the possible entry and the issues with the area.

Mayor, Bobbie Beshara
Council President, Roger Swan

Finance Director, Sandy Turk
Service Director, Melanie A. Baker

Traffic Study

Found in the file was a Traffic Study as performed by the Village Engineer at the time of Finkbeiner, Pettis & Strout, Inc. The study was done for the existing conditions and future growth. At the time the report was done November of 2000, they took into account a future growth of 170 new homes. The engineer's recommendations were as follows:

- A traffic signal is not war warranted at this time and should not be installed.
- Physically improve the intersection sight distance for Sawbridge Drive and Briarwood Road by lowering the grade of Streetsboro Road.
- Add warning signs and post advisory speed limit of 35 mph for this area.
- Although the capacity analysis does not support the need for turn lanes, it is our opinion that the Streetsboro Road/ Sawbridge Drive intersection will function in a safe manner by adding an exclusive right turn lane to the west leg of Streetsboro Road and an exclusive left turn lane to the east leg of Streetsboro Road.

The unique issues with this intersection is that half is in the Village and the other half is in the Township. To further complicate the matter this is a state route under the direction of ODOT for the township half. We can obtain permits and do work on the Village half but need the cooperation of the Township or ODOT to finish the other half. Please see the attached map.

Housing Density

Brian should be able to assist with this.

Emergency / Entrance Streetsboro Rd (State Route 303)

County of Summit GIS



In the past the Village Planning and Zoning Commission has talked to the property owner Furnace Run LLC and Water and Sewer LLC about looking for another entrance out to Streetsboro Road. The ideal spot would be to purchase the lot across from Whitepine and align the roads.

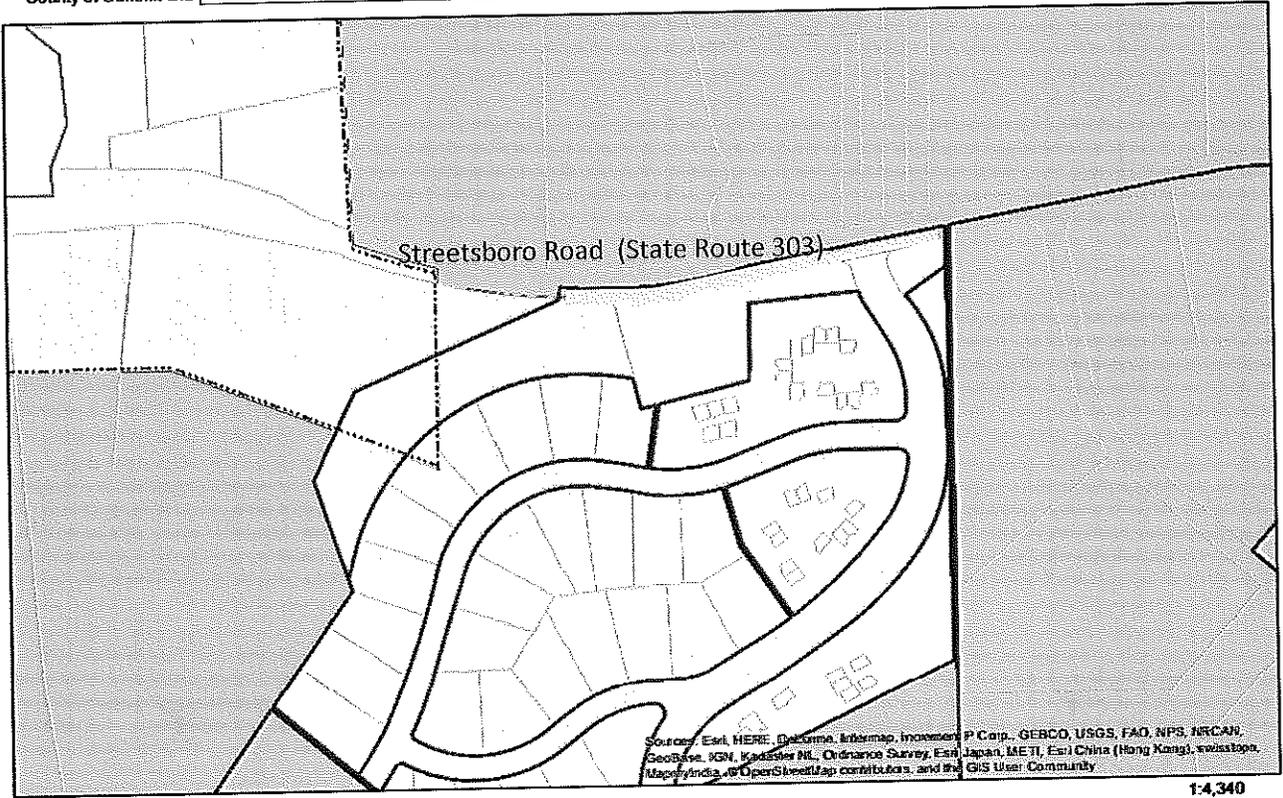
The issue here is that this would then be located in the limited access of ODOT. This would require approval from ODOT.

As well the parcel sits approximately 15 feet above 303. This would require quite a cut in the land and setbacks making it difficult to get a good entrance into this area and possibly having issues with ODOT's limited access.

The Preliminary Drawing as submitted also would prohibit this run due to the new homes coming off the end of Burrwood.

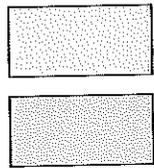
Village / Township Boundaries

County of Summit GIS



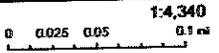
April 20, 2016

- Subdivision/Allotment
- Replat of Subdivision
- Cluster Development
- Condominium



Village

Township



Disclaimer:
 This data has been provided as a public service for informational purposes only. The County of Summit does not warrant the accuracy of the data. The County of Summit is not responsible for any errors or omissions in the data. The County of Summit is not responsible for any damages, including consequential damages, arising from the use of this data. The County of Summit is not responsible for any damages, including consequential damages, arising from the use of this data. The County of Summit is not responsible for any damages, including consequential damages, arising from the use of this data.