



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

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

ROLL CALL: Ellis, Healey, Hudak, Kahoe, Lanford, Lyons and Swan ABSENT: None.

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

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES FROM JUNE 7, 2016 PUBLIC HEARING REGULAR MEETINGS AND JUNE 21, 2016 REGULAR MEETING AS SUBMITTED.

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

MOTION: TO APPROVE THE MINUTES FROM JUNE 30, 2016 SPECIAL MEETING AS SUBMITTED.

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

COMMUNICATIONS AND PETITIONS: None.

MAYOR'S REPORT: The Mayor

- Gave a reminder that on July 13th the fitness program continues with a Yoga session at Eastwood Preserve at 6:30 pm
- Stated that she and Brian Frantz attended the Select USA Summit in Washington DC. This conference brings together investors from all over the world. The Mayors' Association of Portage, Summit and Stark County(MAPSS) was represented along with the Northeast Ohio Mayors' Association and Jobs Ohio, who was one of the large sponsors of the conference. Director Frantz along with MAPSS brought together a large amount of information on our area.
- Asked Chief Mihalek to announce and give backgrounds for the following appointments and promotion:

The appointment of Cody Bennett and John Hovan to part-time Firefighter/Paramedics

MOTION: TO APPROVE THE APPOINTMENT OF CODY BENNETT AND JOHN HOVAN TO PART-TIME FIREFIGHTER/PARAMEDICS.

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

The Mayor swore Cody Bennett and John Hovan into their positions.

The appointment of Antony Katzakis to full time Firefighter/Paramedic

MOTION: TO APPROVE THE APPOINTMENT OF ANTHONY KATZAKIS TO FULL TIME FIREFIGHTER/PARAMEDIC.

Moved by Ellis seconded by Kahoe. Upon roll call motion passed unanimously.
The Mayor swore Anthony Katzakis to his full time position.

The promotion of Eric Ellis to Lieutenant

MOTION: TO APPROVE THE PROMOTION OF ERIC ELLIS TO LIEUTENANT.

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

The Mayor swore Eric Ellis into the lieutenant position.

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

Report stood as submitted with the addition of reporting the June calls: Village 1115, Township 175

Report

The monthly stats for June will be presented at the meeting as they are not available at this writing.

Safety Town graduation was held last week approximately 40 children completed the program and many friends and family members were in attendance to witness the big event.

The drug drop box that was located in the driveway in front of the police station has been moved inside the police station lobby. The move was necessary under new drug take back guidelines. It will provide better security for the drug box and will also prevent some weather related issues we were experiencing with the box being outside in the elements.

Chief Mihalek – Fire

Report stood as submitted.

Report

Calls for the Month of June:

- Village of Richfield EMS – 56 Village of Richfield Fire – 9
- Richfield Township EMS – 20 Richfield Township Fire – 5
- Mutual Aid Given – 13 Mutual Aid Received – 8
- Total Calls – 111

University Hospitals has just opened an emergency room in Broadview Heights. It is a full service emergency room and an additional destination for any patients who would like to be transported there via Richfield Fire Department.

Marymount South of Broadview Heights will become an urgent care only effective August 1, 2016. Richfield Fire Department will no longer be able to transport to this hospital as it is no longer an emergency room.

Metro Hospital is also opening a full service emergency room facility in Brecksville. This will also be an additional destination hospital for patients of Richfield Fire Department. This facility is due to open August 15, 2016.

Lastly, we would like to congratulate Eric Ellis as he gets promoted to shift lieutenant, Anthony Katzakis as he moves to fulltime firemedic, Dan Merryman as he retires with 20 years of part-time service, and new part-time medics Cody Bennett and John Hovan as they now replace the former positions of Merryman and Katzakis.

Director Baker – Service

No report submitted.

Report

Director Jocek – Recreation

Report stood as submitted with the additional comment that the concert last Thursday was very moving and there were about 200 attendees.

Report

- We are asking for your consideration the approval of funds for community day, tents, tables, chairs and fireworks. Also part of the port a potty bill. Not to exceed \$10,500.
 - I am also asking for a motion to approve alcohol at Richfield Woods for Community Day Weekend.
- We were vandalized on the Carter/Pedigo Trail. 13 of the 16 story boards were ripped off the posts over the weekend of June 25th. Randy Shero is working to reattach them and make the boards stronger so that this may not happen again.

- If you did not attend the Patriotic Concert with local resident Jay Nye singing then you missed a great concert. We had approximately 150-200 people attend who enjoyed the concert and the root beer floats. Please try to come to our next concert with Mr. Nye in October as he will be singing Sinatra tunes.
- In my last director's report I reported on the Eastwood Community Gardens. Please take the time to stop in and see the gardens as the "competition" to have the best garden, is building. (and I did not even start this competition!) The pride, friendship and commitment are overwhelming. Take the time and stop and see the hard work that goes into this project.
- The baseball lights are GREAT and working.
- I am working with a perspective Eagle Scout on a new project at Eastwood. He hopes to make a pergola with a potting bench on it for the gardeners to use. I also have two other Scouts waiting for approval of their project. One is for picnic tables and the other is for two benches around the Town Hall playground.
- The two swings have been installed at the Town Hall "rock garden" playground. Now the playground looks complete.
- If you looking for something to do on Tuesday, July 12th come to our class at Masonic Hall on *healthy smoothies* presented by *Mustard Seed*. It starts at 6:30 pm.
- The Community Day Committee would like the Village Council to consider manning the corn on the cob table (selling) as they had in the past. I will be asking again in the near future on this possibility.

Recommendations/Considerations: See the first and last points above for Community Days

Legislation: None.

MOTION: TO APPROVE THE EXPENDITURE OF \$10,500 FOR COMMUNITY DAYS AND TO ALLOW THE SALE OF ALCOHOL AT RICHFIELD WOODS DURING THE EVENT.

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

DISCUSSION: Mrs. Lanford asked if the amount is the same as previous year. Director Jocek replied that it is and that there are several additional contributions that allow this to happen. The Mayor stated that is for both August 13th and 14th which are Community Days.

Director Frantz – Planning and Zoning

Report stood as submitted.

Report:

- 1) At their meeting held on June 28th, the Planning Commission approved the following cases:
 - a) an application to install a wall and monument sign at the property located at 2636 Brecksville Road;
 - b) an application to install a wall sign on their property located at 3401 Brecksville Road;
 - c) an application for preliminary approval to construct a 24 home subdivision on the property currently located at 4093 Everett Road and;
 - d) an application to upgrade the existing diesel facility and construct a fuel canopy on their property located at 3201 Columbia Road.

In addition to the above, the Commission voted in a 2-3 decision, against a request to approve a grading permit for the property located at 3171 Rainbow Lane. Our Village engineer believes this project is a good project and gave his recommendation in the affirmative, however, it was voted down. The administration will now look to examine whether the Village's roadway (Hawkins Road) is contributing to a stormwater problem that purportedly exists in the general neighborhood surrounding the subject property.

The Commission tabled an application to install a parking lot at the property located at 3937 Broadview Road (Center for Healing Arts). This item was tabled to provide the applicant's designer time to meet with the administration and work out issues related to driveway width, access and stormwater management.

After a lengthy discussion, the Commission also tabled (at the applicant's request) a preliminary plan application to construct a 153 home subdivision on approximately 125 acres currently located in Richfield Township and adjacent to the existing Briarwood Development in the Village of Richfield.

Finally, the Planning Commission recommended approval of a proposal to amend the R-1 and R-2 Districts in the Planning and Zoning Code by clarifying the number of accessory structures permitted on lots larger than two acres. This item requires Village Council to conduct a public hearing prior to final action.

- 2) The Board of Zoning Appeals (BZA) is scheduled to hear the following cases:
 - a) a request to permit a storage shed to be located in the rear yard setback of the property located at 3287 Prairie Vista Court and;
 - b) a request to permit a restaurant to be located in the front yard setback of the property located at the corner of

Brecksville Road and Kinross Lakes Parkway (parcel number 50-02232).

I will keep Council apprised of the BZA decision regarding these two matters.

Recommendations/Considerations: Approve of Planning Commission's request to amend the R-1 and R-2 Zoning Districts.
Legislation: None

Director Turk – Finance

Report stood as submitted.

Income Tax Collections

June's income tax collections to-date are up 8.2% for the month and up 6.3% year-to-date compared to June 2015. Some of the increase is due to the fact that the new legislation moved the quarterly individual and net profit filing deadlines from July 15th to June 15th. So July's collection will provide a truly picture of how collections are doing. A separate memo will be distributed on this matter. Kevin is sending out delinquency notices to those that have not filed their income taxes.

Ohio 2020 Tax Policy Study Commission

The State created a 2020 Tax Policy Study Commission. The Ohio Society of CPAs recently presented recommendations for improving Ohio's tax structure to the Commission. The recommendations that would impact the Village directly would be the following:

Centralizing municipal tax collection and administration, eliminating municipal throwback rules and providing for full reciprocity credit.

With centralized collections the State would be able to take 2-3% off the top as a processing/administrative fee. In our case this would amount to between \$190,000 - \$286,000 and we would probably see a 2 to 3-month lag in getting our receipts as well. This would be a wonderful income boost to the State if they can capture the fee across the entire state and sit on municipalities monies before distributing it to us. It is difficult to determine the impact of the elimination of the municipal throwback rules, and we already provide for full reciprocity credit so there would be no implications as a result except to take this avenue away from us should we need to consider such an action in the future. Many communities have reduced this credit in order to offset some of the state cuts that occurred over the past several years.

Interesting enough, the group also recommended that they limit sales tax exemptions for niche industries and do not expand sales taxes to professional services. Of course accounting services fall under professional services so a "don't tax me" mentality but go ahead and tax other niche industries continues.

The Commission is supposed to take all recommendations into consideration before issuing their own report later this year. We will work with Ohio Municipal League and the Ohio

Association of Tax Administrators to collectively work together to come up with proper responses to the Commission.

Vision and Dental Insurance Changeover

Jo Ann is working with the new carriers to convert the vision and dental insurance to the new providers that commences on July 1st.

IRS Form 720 – PCORI Fee

I completed and filed the IRS Form 720 for the Patient-Centered Outcome Research Institute (PCORI) fee. This is a federal fee that self-insured health plans need to pay by July 31.

2017 Tax Budget

I have begun work on the 2017 Tax Budgets for the Village and the RJRD that need to be filed with the County's Budget Commission by July 20th, 2016. The tax budget serves three purposes. The first is to establish a basis for the Budget Commission to settle/certify tax rates based on each subdivision's needs. It also establishes the basis for the certificate of estimated resources for the coming year. The certificate of estimated resources is the legal requirement that establishes the level of revenues expected and then limits appropriations to the revenue level. Lastly, it gets the Village to start thinking and financially planning for the upcoming budget year. Formal adoption of the Tax Budget is not required.

Staff Schedules

I am on vacation July 1st through July 8th. Kevin leaves for Columbus late morning on July 6th through July 8th for an income tax seminar with Jo Ann Maupin and Mindi Schaeztle staffing our office. Please contact the mayor with any questions.

Recommendations/Considerations:

Due to the cancellation of the June 21st meeting I am respectfully requesting that Resolution No. 36-2016 (as amended 6/30/2016), designation of public depositories, have the third reading suspended and consideration of adoption at the July 5th meeting since the new agreements commence July 5th. In addition, for Resolution No. 40-2016, I respectfully request that second and third readings be suspended and consideration of adoption at the July 5th meeting to allow Dispatch to purchase the additional EMD software and support required to train/manage the dispatchers' training.

Law Director Hanna

No report.

REPORT OF COMMITTEES:

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

No report.

Mr. Ellis- Safety Committee; Fire Dependency Board

No report.

Mr. Hudak- Finance, Cemetery Board

No report.

President Swan- Planning & Zoning Commission; RJRD

No report.

Mr. Lyons – Township Liaison

No report.

Mrs. Lanford – Human Services Commission

No report.

Mrs. Healey – Parks & Recreation Board Representative

Mrs. Healey stated that since the first Monday was a holiday, Park Board will meet tomorrow.

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

Ordinance 41-2016 should have been up for second reading. Mrs. Lanford asked if there was any value in auctioning these radios. Chief Morgan said that it would cost more to deprogram the radios than they would bring in. Valley Fire is on our channels so deprogramming is not needed.

It was decided that the Public Hearing for Ordinance 43-2016 will be held on August 16th at 6:30 pm.

Mrs. Lanford asked if Resolution 33-2016, which is on third reading, could be discussed at the next work session since additional information has been given to Council. She would like the resolution to be more specific on certain items, similar to the one that was supplied to council from Brecksville.

The Mayor mentioned that in the June 7th minutes there was one place where Rhodes name was misspelled. Council Clerk will correct the typographical error before posting.

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY

None.

ORDINANCES AND RESOLUTIONS.**First Readings:****RESOLUTION 40-2016** Offered by All of Council

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

CAUCUS DISCUSSION: None.

MOTION: TO SUSPEND 2ND AND 3RD READINGS OF RESOLUTION 40-2016.

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

MOTION: TO ADOPT RESOLUTION 40-2016.

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

DISCUSSION: None.

RESOLUTION 41-2016 Offered by All of Council

A RESOLUTION AUTHORIZING THE DONATION OF EXCESS POLICE EQUIPMENT TO VALLEY FIRE DISTRICT AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: None.

MOTION: TO SUSPEND 2ND AND 3RD READINGS OF RESOLUTION 41-2016.

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

MOTION: TO ADOPT RESOLUTION 41-2016.

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

DISCUSSION: None.

RESOLUTION 42-2016 Offered by All of Council

A RESOLUTION IN ACKNOWLEDGMENT AND SUPPORT OF SUMMIT COUNTY'S DECLARATION OF THE MONTH OF AUGUST 2016 AS SUMMIT KIDS MONTH IN THE COUNTY OF SUMMIT AND ENCOURAGING THE CITIZENS AND BUSINESSES OF THE VILLAGE OF RICHFIELD TO JOIN IN THIS ACKNOWLEDGEMENT; AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: None.

ORDINANCE 43-2016 Offered Swan

AN ORDINANCE AMENDING SECTIONS 1124.03 AND 1126.03 OF THE VILLAGE OF RICHFIELD'S PLANNING AND ZONING CODE, TO CLARIFY THE NUMBER OF ACCESSORY STRUCTURES PERMITTED ON LOTS GREATER THAN TWO ACRES IN AREA

CAUCUS DISCUSSION: None.

ORDINANCE 44-2016 Offered by All of Council

AN ORDINANCE DECLARING CERTAIN PERSONAL PROPERTY OF THE VILLAGE SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE VILLAGE TO SELL SAID PROPERTY BY AUCTION; AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: None.

RESOLUTION 45-2016 Offered by All of Council

A RESOLUTION TO AMEND SECTION 2 OF RESOLUTION 25-2016 AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: Law Director Hanna indicated that there was a typographical error in the Resolution 45-2016 where it should be \$111,561 and was typed \$11,561.

MOTION: TO SUSPEND 2ND AND 3RD READINGS OF RESOLUTION 45-2016.

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

MOTION: TO AMEND RESOLUTION 45-2016 TO CORRECT THE TYPOGRAPHICAL ERROR (from \$11,561 to \$111,561).

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

MOTION: TO ADOPT RESOLUTION 45-2016 AS AMENDED JULY 5, 2016.

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

DISCUSSION: None.

RESOLUTION 46-2016 Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A CHANGE ORDER TO THE VILLAGE'S AGREEMENT WITH CARMEN & SONS CONCRETE FOR THE INSTALLATION OF CONCRETE ON THE WEST SIDE OF THE FIRE DEPARTMENT BUILDING, AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: None.

MOTION: TO SUSPEND 2ND AND 3RD READINGS OF RESOLUTION 46-2016.

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

MOTION: TO ADOPT RESOLUTION 46-2016.

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

DISCUSSION: None.

Second Readings:

RESOLUTION 36-2016 Offered by All of Council

A RESOLUTION TO DESIGNATE PUBLIC DEPOSITORIES, TO AUTHORIZE THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AGREEMENTS FOR THE DEPOSIT OF VILLAGE FUNDS.

CAUCUS DISCUSSION: None.

MOTION: TO SUSPEND 3RD READING OF RESOLUTION 36-2016.

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

MOTION: TO AMEND RESOLUTION 36-2016 TO THE COPY DATED JUNE 30, 2016.

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

MOTION: TO ADOPT RESOLUTION 36-2016.

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

DISCUSSION: None.

ORDINANCE 39-2016 Offered by All of Council Public Hearing set for July 19, 2016

AN ORDINANCE AMENDING SECTIONS 1103.02, 1157.03, 1173.15, AND 1177.05 OF THE VILLAGE OF RICHFIELD'S PLANNING AND ZONING CODE, TO FACILITATE CONFERENCE CENTERS AS A CONDITIONAL USE WITHIN THE OFFICE/LIMITED INDUSTRIAL DISTRICT.

CAUCUS DISCUSSION: None.

Third Readings:

RESOLUTION 33-2016 Offered by All of Council

A RESOLUTION AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS BY COUNCIL FOR THE PURCHASE OF FLOWERS, MEALS, OR SIMILAR ITEMS, AND/OR MONETARY CONTRIBUTIONS IN THE EVENT OF DEATH OR ILLNESS IMPACTING CURRENT OR FORMER VILLAGE EMPLOYEES, OFFICIALS, OR VOLUNTEERS.

Caucus Discussion: None.

Inactive Items:

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.

UNFINISHED BUSINESS:

Mr. Hudak indicated that since he answers to his constituents as well as making sure the press has the information; he announced the following dates:

July 23, Kelly Miller Circus, July 24 Sweet corn ride – brings funds to Town Trust for the historic district; August 13 Steak Fry – which raises money for Revere graduate scholarships, and August 14 Community Days with the parade in the morning and ending with fireworks.

NEW BUSINESS: None.

COMMENTS FROM THE FLOOR (On any item): None.

WORK SESSION

Discussion Topics

1. Staff Presentation on Briarwood

Director Baker gave the past history of the Briarwood area that brought the Village to the current situation/solution.

Said Abou Abdallah, PE (engineer who works on Richfield sewer design) gave the method by which the current sewage plant (Sewer & Water LLC) will be eliminated by adding two pumping stations and a line that will convey the waste to Cleveland treatment facilities.

Director Frantz commented on the development that is being proposed as a condition of obtaining the current sewer collection lines.

Director Baker gave a brief update on costs and assessments that will be levied on both the new development and current residents to change the service.

Mr. Hanna gave an update on the proposed Agreement that brings all of the items together to complete the Briarwood sewer changes.

The floor was opened for comments:

John Klepach, 3827 Briarwood, asked for locations of pump stations similar to the one that is going to be placed next to his home along with what noise or odors he could expect – It was indicated that most of the facility is located underground which reduces noise except

when a generator needs to run and there will be odor abatement. A similar facility is located at Brecksville and Townsend Road.

John Nowakowski, 3571 Burrwood, felt that the Village is in the driver's seat so there should be a better agreement since the developer has been unable to improve the property over the last years, that the possibility of upgrading the current plant to serve the current residents should be explored, and asked what obligation is the Village under to help the owner foot the bill – It was stated by Mr. Lyons that it does appear that the developer is dependent on the Village to complete the development, but it is more complex in that if the current residents who asked the Village for help in reducing their bills were not there, the Village would not participate in eliminating the sewer facility. Mr. Hudak further stated that it was due to residents asking for the Village's help in reducing the significantly high bills that the Village worked out any potential change. Said stated that several years ago upgrading the current facility was estimated to cost over \$1 million, so if it is to be upgraded that cost will probably increase and will be spread over the current residents. Mr. Nowakowski asked about assessments and for a definition of the five factor formula be placed in the minutes. It was given that it is an attempt to even out the differences in lot sizes and usage. The factors are front footage, number of acres, land use, existing system and zoning (see following not included at meeting).

Sanitary Sewer – Assessment Formula	
Five Factors: Front Footage, Acreage, Current Zoning ¹ , Land Value, Existing Sewage Disposal System ²	
1-	Zoning: R-1, R-2 = 1 point; All other = 4 points
2-	Existing Disposal System
	Vacant lot 1 point
	Separate residence or low use business 2 points
	1,500-2000 gal. waste system 4 points
	2,000-4000 gal. waste system 8 points
	4,000-10,000 gal. waste system 15 points
	10,000-20,000 gal. waste system 25 points
	Over 20,000 gal. waste system 50 points
	Unknown 20 points
Formula	
Assessment Cost = Front Footage(in feet) + Area (in acres) + Current Zoning + Land Value + Current Disposal	
Assessment Formula Breakdown	
Parameters	Percentage of Cost
Front Footage	5
Acreage	5
Zoning	5
Land Value	25
Existing System	60

Mr. Nowakowski asked with the sewer rates increasing (NEORS), there would be a ten year breakeven and wanted to know how it made sense to do this project. It was pointed out that the current plant needs improvement and this cost will be passed on to current residents and it will cost significantly more than going ahead with the Village system solution.

Mike Creager, 3850 Sawbridge, is concerned with the potential increase in traffic flow from the proposed development and wants a different way of ingress to be found. Director Frantz did indicate that Planning and Zoning is closely looking at this situation. Mr. Creager asked if this was the largest development done in Richfield and about assessments and if examples could be provided. There was a range of assessments given and that this is all that is available at this time since there are several unknowns.

Jim Koewler, 3578 Burrwood, asked how the five factor formula applies to the project as defined when this is not a collection system. Director Baker explained that this is applied only to the construction costs associated with the line extension and the 2 pump stations being installed for current residents. The Codified Ordinances requires its application. It is also used for upgrades to existing systems. Mr. Koewler wanted to know if the value of the homes would be included in the land value factor. Director Baker indicated that only the land value exclusive of the house would be used.

Mike Zabor, 3747 Whitethorn, expressed concerns with the road and access. He was especially concerned with potential construction debris that might be placed on the road if the development comes into existence and gave an example of how the road was degraded by the logging trucks. Director Frantz state that the Village does make contractors clean up any Village roadways that they destroy/contaminate, however, Mr. Zabor's road is in the Township and he will have to contact them for their assistance on this matter.

Tammy Bogdanski, 3423 Whitethorn, commented that the area neighborhood ambiance should not be forgotten, as the development will have an impact on all the housing that exists.

Kristi Nowakowski, 3571 Burrwood, feels that the Village is working for the interests of the current residents but wanted to point out that the current residents do not want the land developed. She wanted to let the Village know of their feelings. She felt that doing nothing should be considered as this package appears to be giving the developer "a gift wrapped" package that is going to be paid by the current residents. She wanted to be sure that the Village looks at doing nothing. The cost of upgrading the facility is much higher than the \$1 million estimate of facility upgrading and must be spread across the current and proposed residents. During the entire upgrade period the current residents will be paying the higher rates. Mr. Hudak explained that the PUCO historically passes the cost of a community's facilities on to the current customers. The owner does not need to add any homes to upgrade the plant to pass water quality standards. She brought up the land barriers that are in Glencairn and asked if they could be added to the new Briarwood development.

Belinda Stucky, 3485 Scanwood, wanted to thank the Village for the presentation. She wanted to know why they as residents have to pay these assessments again and what is included in the \$2 million price tag. Director Baker indicated that it is the pipe line on Rt. 303 and two pump stations. Mr. Lyons indicated that the Village has to work out whether the entire pipe cost on Rt. 303 will be attributed to the Briarwood development. Once this is figured the Village will absorb the additional cost until any other area is tied into the system. She closed by asking that she would like a better deal for the current residents and wanted to know if something can be added to the agreement to keep them from clearing any more trees out and also if any noise abatement could be added. Mr. Hanna indicated that currently we do not have an agreement, but all of these factors will be worked out during P&Z review and could be put into an agreement when decided.

Therese Schleiden, 3796 Whitethorn, asked if the people with septic systems would be required to tie into the system. It was stated that they will continue on septic and not have an assessment. She gave an idea of using a holding tank and hauling system for the current 80 homes. Director Baker indicated that the facility does not belong to the Village and it is up to Sewer & Water LLC to make that determination.

Michelle Reinke, 3660 Whitethorn, indicated she purchased in the Briarwood development because it is very remote and feels that the entire agreement is going to adversely effect them in many ways and wanted to know what was in it for this portion of the community as they have septic systems and wells. Mr. Lyons felt that she characterized it very well in that

those residents on septic will not be gaining anything with the agreement since they supply their own systems, but there is no requirement that they tie into the sewer/water systems provided (no assessments will be applied to their properties); nor will they be annexed.

Bob Zuccaro, 3585 Burrwood, wanted to know if the National Park Service is willing to pay for some of the sewer system. The Park is not willing to pay anything to upgrade any sewer system. He asked how long the assessment period would be. Director Baker stated that to date the longest period has been 25 years. He thought there has to be another solution. Mr. Lyons and Mr. Hanna indicated that the other solutions would cost more and there would be fewer people over which to spread the costs. He is not so sure that PUCO would automatically grant any further increases being requested by Sewer & Water LLC and cited the ruling last year. Mr. Lyons indicated that PUCO cannot solve the problem and is mandated to consider evidence as to what the costs are and what the rates should be to pay these costs. The current plan is the solution being requested in that report. Mr. Zuccaro asked if there would be meters. Director Baker indicated that all new developments have meters required. He asked if there was going to be a vote on whether the Village is going to proceed. The Village asked that they could have a vote amongst the community and bring the results back to the Village.

Germaine Certic, 3916 Sawbridge, stated her overall feeling that Mr. Kertesz is not interested in negotiating anything and that the Village has done very well. If the Village bows out, the community will have to deal with an embittered Mr. Kertesz alone. He will and can go to the PUCO and indicate he needs to renovate the facility and the costs will be placed back on the current 80 residents. She wanted to know how anyone can want to continue paying Mr. Kertesz. She appreciates everything the Village is offering and withdrawing it will make it much worse for the current residents. She knows the development will disrupt their lives but the sewer "cloud" needs to be removed.

Christine Young, 3918 Sawbridge, indicated she is all for the sewer going forward and cannot believe all the contrary comments that have been made. She totally understands the development is not desired, but not having the sewer system does not take away the threat of that development. The developer can develop that property any time he desires. She has been paying \$305 every 2 months for this system. She expects Council to do the best that they possibly can for this community. If the sewer system as proposed does not go in, over the next 20 years; she stated all the residents will be paying \$36,000 to Mr. Kertesz based on just what they are paying now. She feels that the fees will be going up as he will have to do something with that plant and the current residents are going to be paying for it. She is disappointed that the preliminary plan does not show a different entrance way into the development. Director Frantz indicated that it is difficult to get into because of environmental factors. There is a right-of-way platted through the Township that can be used and another way to extend a bridge to get into the area. Given the constraints of the interstates and the large riparian corridor; he does not know of any other way to provide ingress. She feels that there might be another way using a small piece of Village property and using a bridge, even though it is very expensive. Director Frantz felt that there were a lot of challenges to use that route and a lot of time has been spent looking for an alternative access point and there are not a lot of good options. She closed by saying that the sewer system is needed and with assessments stretched over the 20 years it will not be a large monthly cost. Mr. Lyons stated he does not believe there is another access point available based on past studies.

Dave Kalal, 3746 Whitethorn, stated that he had heard at another meeting in the past that the lots were going to be two acres and wanted to know if that was still the plan. Director Frantz indicated that the lots being proposed are smaller, and it is something being looked at

so that the impact would be minimized on the current community aesthetics. Mr. Kalal would still like to see the two-acre minimum be there. He then asked if the pumps being installed would service the additional homes. Said indicated that the pumps are being done just for the current homes and if the area is expanded the Village will have to extend the service area and if upgrading is needed the cost will be assessed to those new homes.

Mike Creager asked why there has not been a development since Mr. Kertesz has a decision from a law suit stating he can build 280 homes on the land. Mr. Lyons indicated that the decision precedes Mr. Kertesz's ownership, who has not had any intention of building the town houses, and has probably not went ahead with the development due to the problems with the infrastructure.

Mike Zabor stated that the logging trucks caused the road to crumble and the Township took some money out to fix them. He believes that construction trucks will further disintegrate the roads. Director Frantz indicated that the Village requires payment from the developer when this occurs, but this is a Township road and needs to be addressed by them. He went on to say that P&Z does look at these situations when reviewing the plans.

John Kowakowski asked if there has been agreement by Summit County on the creation of a township "island" by the annexation. Mr. Hanna indicated that the interpretation is that this annexation is not creating an island as the rule says that all the surrounding area has to be annexed at one time; however, the burden will be on the developer during the annexation application.

Old Business – None.

New Business – None.

MOTION: TO ADJOURN TO EXECUTIVE SESSION TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, AND, TRADE SECRETS OF AN APPLICANT FOR ECONOMIC ASSISTANCE WHICH IS DIRECTLY RELATED TO A REQUEST FOR ECONOMIC DEVELOPMENT ASSISTANCE TO BE PROVIDED UNDER CHAPTER 715, AND 5709 OF THE OHIO REVISED CODE.

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

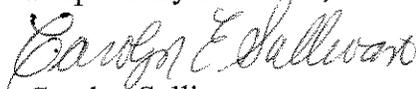
MOTION: TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCIPLINING A PUBLIC EMPLOYEE.

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

Council Adjourned to Executive Session at 9:30 pm and returned at 9:49 pm.

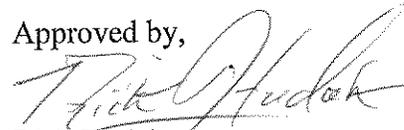
ADOURNMENT: President Swan adjourned the meeting at 9:49 pm.

Respectfully submitted,



Carolyn Sullivan
Council Clerk

Approved by,



Rick Hudak,
Vice President of Council