



**REGULAR SESSION OF COUNCIL
MINUTES
JULY 19, 2016**

Council Vice President Hudak called the meeting to order at 6:38 pm. The Pledge of Allegiance followed.

ROLL CALL: Ellis, Healey, Hudak, Kahoe, Lanford, and Lyons. ABSENT: Swan.
OTHERS PRESENT: Mayor Beshara, Police Chief Morgan, Service Director Baker, Parks and Recreation Director Jocek, Planning and Zoning Director Frantz, Finance Director Turk and Law Director Hanna. Absent: Fire Chief Mihalek

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES FROM JULY 5, 2016
REGULAR MEETING AS CORRECTED.

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

COMMUNICATIONS AND PETITIONS: An e-mail that was sent to the Mayor from Michelle Kocian concerning her views on the Briarwood sewer situation was read in its entirety and placed in the records.

From: Michelle Kocian [mailto:mmkocian1@gmail.com]
Sent: Monday, July 18, 2016 3:11 PM
To: Mayor's Office <mayor@richfieldvillageohio.org>; Pat Healey <phealey@richfieldvillageohio.org> Subject: Sewer issues
Good afternoon,
I would once again like thank you and all the council members on your efforts and hard work on behalf of the residents of Briarwood Condos and our neighbors, regarding the sewer plant and sewer fee issues.
Although I have expressed some won-ies and concerns about the proposed changes, I would like to make perfectly clear that I agree with and support the idea of developing the property with 150 new homes, having
Water & Sewer LCC and his new homeowners be responsible for the cost of connecting to a public system, and turning the sewer lines over. Once and for all.

I trust that you have our best interests at heart, and will do the right thing for your loyal Village and Township members, as well as getting the best assessment fee possible for us, in light of the unreasonable prices that we have been paying all along. We are so sick of paying so much money to this guy! Let's just do this and be done with it and move on! It really is the only negative in our wonderful neighborhood.
Please feel free to email me if you have any questions or need more info.
Thank you again for your time, and for all that you do, always. Also, it's ok to forward this message to other Council members if you wish.
Michelle Kocian
Sawbridge Drive, Richfield Village

MAYOR'S REPORT:

- Stated that with the Republican National Convention in town all of the hotel rooms are booked, staff is prepared, a brochure giving Richfield amenities was distributed and flowers

& flags have been placed in the community. The flowers are in pots and may continue to be placed that way in the future. The new tanker is being used to water the pots.

- NEORSO storm water fee is being imposed in July and a meeting on how to apply for credits will be held at Town Hall on October 26. Another session is scheduled on August 23, 2016, 5:30 pm at Happy Days visitor center. These meetings are to explain how to obtain credits and manage storm water on your property.

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

Report stood as submitted. Chief Morgan thanked the community for their support.

Report

The patrol officers have completed Naloxone training and are now carrying it in the police vehicles.

The Naloxone was supplied to the department by the Summit County Health Department in order to combat the heroin epidemic.

In March 2015, a Richfield Village resident died following a heroin overdose. After an extensive investigation charges were filed against Cleveland resident John Dunn, the alleged drug dealer. Mr. Dunn eluded capture for over a year, he was finally arrested after being stopped in Ashtabula. Mr. Dunn is awaiting trial on two counts of corrupting another with drugs and one count of drug trafficking.

After several months of planning we have implemented additional staffing during the duration of the Republican National Convention.

Chief Mihalek – Fire

Report stood as submitted.

Report

The fire department has had many trainings and meetings to prepare for the Republican National Convention 2016 Cleveland. We will have extra staffing and have acquired additional safety gear to be prepared in the event any incident should occur. Incident action plans are in place to handle all emergencies from this event as well as any local emergencies from our community throughout the duration of this event.

We have just received notification from the Ohio Department of Public Safety that we have received \$3250.00 in the form of a reimbursement grant. This grant will allow us to obtain additional EMS equipment to better serve our patients. Once this amount is spent, the State of Ohio will reimburse the Village of Richfield for the full amount.

Lastly, we will have additional staffing as well to accommodate the 2016 Sweet Corn Challenge. Please be mindful of bicyclists during the weekend of the 23rd as Richfield and the surrounding communities will have bicyclists from all over the country participating in this event.

Director Baker – Service

No report submitted.

Report

Director Baker gave her report:

- The sidewalk extension from Route 303 to Hawthorn has had engineering completed. There are a couple of temporary work orders on private property to obtain. The project should go out for bidding in the next two weeks. It is estimated to cost \$150,000.
- A quote for the sidewalk repairs in the center of town, on Route 303 and Broadview Roads should be coming soon. There is \$20,000 allocated for this work.
- It is interesting to see how the work is progressing on 3921 Brecksville Road and will take everyone through the building at a future date. Resolution 47-2016 are the change orders submitted to date and it was requested that this be approved so that payment can be made. There will be more coming but quotes have not yet been obtained.
- The Mayor, Director Baker, Director Frantz, John Peterson, and Craig Cawrse met in reference to the center of town. They are working on some price quotes and how it will work together and be configured.
- The snow plows have been placed on the truck at the request of ODOT for the RNC.

Mr. Kahoe asked if the \$20,000 for sidewalk repairs would be enough funds. Director Baker indicated that based on the first quote it will not be enough, but wanted to wait until the final quotes, which are due by the end of the week, are in to request a different amount. This is the first time in three years that repairs have been planned.

Mr. Kahoe asked that Director Baker send out an e-mail with some suggested dates for the visit to 3921 Brecksville Road. Director Baker indicated she would do this and also include some pictures.

Mrs. Healey asked what would happen with the old large slabs of stone. Director Baker indicated that most of the repairs will consist of leveling and broken concrete slabs will be cracked up and used for rip rap. The slabs Mrs. Healey was referring to were taken out long ago and used in other places.

Director Jocek – Recreation

Report stood as submitted with additional comments that the circus is this weekend on Saturday with performances at 2 pm and 5 pm; Sunday is the Sweet Corn Challenge bike ride, Community Days on August 13th, Saturday will have a safety services open house and bike rodeo followed by the steak fry and Sunday, August 14th will have the parade at noon with assembly behind Town Hall. There will be more bouncy houses and fireworks this year. Mr. Hudak indicated that he has tickets for the steak fry and asked if the water truck would be available for the corn ride with restricted flow so that smaller bottles can be filled. Director Baker indicated that it would be available for water replenishment.

Report

We concluded this week with a fishing derby at Richfield Woods. The weather was great and the new fountain looked wonderful. We are planning our Eastwood Preserve Fall Fest with even more activities and special events. The upcoming next few weeks will be a whirlwind of activities for Richfield. Let's hope for great weather and large crowds. This includes the circus, bike ride and Community Day Weekend.

Director Frantz – Planning and Zoning

Report stood as submitted with Director Frantz highlighting two items:

- Planning commission gave preliminary approval to the Breakroom restaurant with final approval probably within the next 30 to 45 days so that it can be under construction yet this year
- The Village will be receiving the "Covenant Not to Sue" on the Soni property which is good news so that this project can be completed.

Requested that Ordinance 39-2016 be adopted as the public hearing was held earlier this evening without any objections raised.

Report:

- 1) At their meeting held on July 12th, the Planning Commission spent the majority of their meeting discussing an application to construct a restaurant (the Breakroom) at the corner of Brecksville Road and Kinross Lakes Parkway (parcel number 50-02232). The Commission was pleased with the application and ultimately approved the preliminary plan subject to compliance with all applicable zoning regulations. The Breakroom project will likely be back to the Commission for final approval in the next 30-60 days.
- 2) The Board of Zoning Appeals (BZA) approved 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 the Breakroom 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).

- 3) It's been a long time in the making, but I am pleased to inform Council that the Ohio EPA has notified the Village they are currently drafting the Covent Not to Sue (CNS) for the Soni property. This is excellent news and will make way for the eventual redevelopment of the site. I will keep Council apprised of further progress on the project.

Recommendations/Considerations: None

Legislation: None

Director Turk – Finance

Report stood as submitted.

Report

Municipal Derivatives Antitrust Litigation Settlement Received

We received a settlement check in the amount of \$2,316 from the Municipal Derivatives Antitrust Litigation. The lawsuit was regarding the sale of derivative transaction and claims that there was bid-rigging in the sale by several companies. The Village did enter into a SWAP Agreement with JP Morgan Chase & Co. on October 22, 2003 which matured on October 22, 2013 in relation to the \$8,970,000 note for the Administration complex. This SWAP agreement qualified for this class action lawsuit.

2014/2015 Financial Audit Report Completed

The 2014/2015 Financial Audit Report has been completed and was distributed to Council and department heads under separate cover. There were no findings for recovery but they did propose ten audit adjustments. The auditor states: "In our judgement, none of the adjustments we proposed, whether recorded or unrecorded by the Village, either individually or in the aggregate, indicate matters that could have a significant effect on the Village's financial reporting process. We have not noted any material adjustments pursuant to financial statements as of December 31, 2015 and 2014." The Auditor's report is posted on the Finance Department's website.

2017 Tax Budget

I have completed the 2017 Tax Budget for the RJRD and am finishing up the Village's Tax Budget that needs 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.

Recommendations/Considerations: None

Legislation: None

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. Vice President Hudak announced that there would be a Finance Committee of the Whole meeting on September 6.

President Swan- Planning & Zoning Commission; RJRD

Absent.

Mr. Lyons – Township Liaison

Mrs. Lanford – Human Services Commission
No report.

Mrs. Healey – Parks & Recreation Board Representative

Mrs. Healey reported that Park Board would like to have a well drilled for the Johnson barn, the silo painted and bathrooms designed for the Johnson barn. The Mayor indicated that the well is budgeted and the bathroom design is in process and asked for quotes on the silo painting.

The question was asked by Park Board if anything is going on with the Town Hall road and/or tennis courts. Mr. Kahoe suggested that Building and Grounds survey the area and start on working up recommendations. It was decided to talk about this during the work session.

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

There were no discussions on Ordinance or Resolutions.

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY

None.

ORDINANCES AND RESOLUTIONS.

First Readings:

RESOLUTION 47-2016 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 HEMMINGER CONSTRUCTION FOR RENOVATIONS TO THE SERVICE DEPARTMENT BUILDING AT 3921 BRECKSVILLE ROAD, AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: None.

MOTION: TO SUSPEND 2ND AND 3RD READINGS OF RESOLUTION 47-2016.

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

MOTION: TO ADOPT RESOLUTION 47-2016.

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

DISCUSSION: None.

Second Readings:

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.

MOTION: TO SUSPEND 3RD READING OF RESOLUTION 42-2016.

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

MOTION: TO ADOPT RESOLUTION 42-2016.

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

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 Public Hearing 8/16/16

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.

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.

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

MOTION: TO ADOPT ORDINANCE 39-2016.

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

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:

None.

NEW BUSINESS: Mayor Beshara mentioned that Muni Jewelers, at Richfield Commons, will be closing on July 30. The owners are retiring and everything is being sold. She indicated that residents might want to stop in to say goodbye and wish them well in their retirement. They contributed generously to the community over the years.

COMMENTS FROM THE FLOOR (On any item): Robert Glover, 3905 Mill Street, wanted to know:

The status of the emergency siren – Director Baker said it has been approved and the propagation study was performed. Assistant Chief McLain had suggested that the Township be contacted to see if an additional siren would be supported by the Township so that the entire Richfield community can be covered. We are waiting for contact back from the Township.

Status of the sidewalk from the retirement housing to the Senior Center – Director Baker indicated that the preliminary work has been done and finalization by Rob Morgan is being awaited. The costs appear to be a little lower than expected.

Wanted to know if the money owed by Mr. Biggar could be used for engineering for water in the center of town – Mr. Hanna indicated that this is under advisement and that any monies collected can be used by the Village for any purpose. Vice President Hudak indicated that there are issues behind this and that it will be looked into. Mrs. Lanford wanted to know what the question was. Mr. Glover stated that the questions were 1) Is money owed; and 2) if there is money owed he prefers that it be used for water engineering. Concluded by agreeing the law director would look into whether money was in fact owed, but the determination of how any money collected would be spent will not be considered.

Paul Swan, 3858 Humphrey, stated that the asbestos removal study was completed two weeks ago and the report indicates a cost of \$6,000. The volunteers are awaiting the okay to start the siding removal and Jim Fry still wants the kitchen portion. Mr. Swan has received the quotes for roofing that range \$8,000 for regular shingles, \$18,000 for slate and \$24,000 metal. Mayor Beshara indicated that a volunteer sign-up form is being worked on. Mrs. Healey indicated that Independence should be contacted for a “model” volunteer form. Mr. Hanna indicated that we have the forms. Mayor Beshara indicated that moving costs are going to be quoted for two locations – 1) next to the old Town Hall and; 2) back where the old garage was removed. The garage location would not require a basement and the restrooms could be placed in the building. The quotes will be obtained by the Village. Mr. Swan indicated that the garage location was new to him and felt it defeated the purpose of moving the Knopp house to become a museum. There was also a short discussion as to using volunteers and how the Village was protected. Mr. Hanna indicated that a waiver will be signed and the indemnification covers the Village.

WORK SESSION

Discussion Topics

1. Discussion of Resolution 33-2016

Mrs. Lanford stated that the study prepared by Director Turk’s Department was from 15 different communities with the results showing that 2 had written policies, 9 collected only from employees and 4 have used public funds for these purposes. Mrs. Lanford felt that the Brecksville policy had several worthwhile items identified: 1) A limit on the amount of expenditure and ours has none; 2) a clear and specific process on how notification is done; 3) the acknowledge is from the municipality instead of from Council; and 4) that the recipients should be the same as the bereavement policy. She felt if some of these points were included in our policy she would be more in favor of the Resolution. Vice

President Hudak felt that this is an expense that is a reasonable use of public funds. Mrs. Healey felt that there were many good sized communities that do not have a policy but use collection as the source of funding. Vice President Hudak stated that this is something that happens with time constraints on the ability to reach agreement and it ends up making Council President a bill collector. Mr. Hanna will amend the resolution to include the points Mrs. Lanford suggested desired from the Brecksville policy.

2. Review items in process for next discussions

Town Hall road and recreation – Mrs. Healey would prefer the money be spent to put in more roadway on Wheatley Road instead of making a road behind Town Hall. Mayor Beshara said that there is a plan to build Wheatley Road but there are legal reasons to hold up at this time, but there has been no decision on the road behind Town Hall. She indicated that residents are talking about the need for more recreation, so the plans should be revived. Director Jocek indicated that Park Board would like the west end from Broadview Road roadway started and that money has been allocated. Mr. Hudak did not want to have a very expensive and challenging road to put in without a purpose, as that would not be prudent spending of money. Mr. Kahoe felt that Wheatley Road did not need to be talked about during the session. Mr. Kahoe felt that the road needs to be put in too and that a list of uses i.e. the tennis courts, basketball court and playground, needs to be decided as support for it. Mr. Lyons said that there is logic to gather a master plan focus on where and uses. He felt that some land areas could be opened for use. He would personally like to see a commitment to the facilities without even putting in the road. He felt that there are some things that could be done. He is reluctant to build the entire road but felt that it could start with the access off Broadview Road or the library, and it would coordinate with the master plan. Mrs. Lanford asked that there be a defined list of uses and a redistribution of the masterplan so we can consider what could be done. Mr. Kahoe felt that with the “cheap” money currently available it makes sense to finance the entire road at this time. Mr. Lyons indicated that the master plan does not analyze the land with its suitable purposes. We need to survey the land to see if all those plans are suitable. Mr. Kahoe felt that there should be a meeting and get everyone together to view the property. It was decided to have a Building & Grounds Committee of the Whole on August 8th, at 6:30 pm with Park Board also in attendance. Mrs. Lanford asked for areas planned for something be flagged.

Briarwood – The proposed amendments for the development agreement are with Mr. Kertsez and Planning and Zoning. This topic needs to stay on the list.

Service Building Survey – Director Baker needs to present a plan for the rest of the Service Department so that the ultimate arrangement can be designed.

Director Baker has a design that is constantly updated as new arrangements are found. This topic will be revisited shortly after the current building has some usage to see how it is working.

Council Clerk – Council Clerk presented a short list of items that needed to be discussed so that a replacement can be found and on board by November 1st. The immediate items that need to be done: 1) a starting salary needs to be agreed to by Council, 2) adjustments to the position description need to be done (these can be done while the job is posted as they were making some items less specific), 3) posting the position. In discussion it was stated that the full-time salary in this area is \$43,000 with benefits. The position averages 15 hours per week or about 1/3 of full-time hours and does not receive benefits. The position is salaried and

does not pay for additional meetings of Council that may be scheduled. Council decided on a starting salary range of \$10,000 to \$16,500 and asked that legislation be developed to adjust the salary so that advertising the position can be done by mid-August.

Old Business – None.

New Business – None.

ADOURNMENT: Vice President Hudak adjourned the meeting at 8:32 pm.

Respectfully submitted,



Carolyn Sullivan
Council Clerk

Approved by,



Roger Davis Swan
President of Council