



**REGULAR SESSION OF COUNCIL
MINUTES**

OCTOBER 4, 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, Parks and Recreation Director Jocek, Planning & Zoning and Interim Service Director Frantz, Finance Director Turk and Law Director Hanna. Absent: None.

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES FROM SEPTEMBER 20, 2016 REGULAR AS CORRECTED.

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

COMMUNICATIONS AND PETITIONS: None.

MAYOR'S REPORT:

- The Mayor stated that NEORSD held a session last week on credits for storm water. It was attended by about 100 people. There will be session in Hudson and Sagamore Hills and the Mayor encouraged anyone who missed the previous session to try an attend one of these or to review the website.
- The Mayor and Department Heads are working on the budget items and the budget will need to be reviewed by Council.
- Federal Signal is working on the installation of the siren. The residents in the area of Richfield Woods will need to be advised of the installation and testing times. It is anticipated that this will be completed in 30 days.
- An Executive Session will be requested this evening for pending litigation, appointment of a public official and the hiring of a public employee.

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

Report stood as submitted with the addition of the September counts: 1050 Village calls and 173 Township calls. Ryan Kellackey who had been appointed to the force on August 16, 2016 was introduced to Council.

Report

September statistics will be provided at the meeting. They are not available at this writing.

On October 5, 2016 at 7:00 PM Revere Middle School is sponsoring a drug and alcohol awareness program entitled "Lets Start Talking". The program will be held at the Revere Middle School Library and is being facilitated by the RMS Counseling Department.

On September 29, 2016 Matt Cern completed his last shift as a dispatcher for the Richfield Police Department. Matt began his career with Richfield in 2001. We thank him for his many years of dedicated service and wish him well in his future endeavors.

Arlene Fassinger will fill the full time vacancy in the communications center, she has been a part-time dispatcher since 2013.

I am pleased to announce that the department recently received a 100% compliance from the State of Ohio Board of Corrections following our annual inspection. Congratulations to Sergeant Paul Fister, Officer Scott Dressler, and Officer Tony Padula. These officers comprise the jail administrative staff and always do an outstanding job.

Chief Mihalek – Fire

Report stood as submitted.

Report

October 9-15th is National Fire Prevention Week. We will be in Hillcrest Elementary throughout the week to educate and teach fire safety to all of the students. We will also be handing out fun literature for the kids to have fun learning about fire safety. This week is a great week to ensure you have working smoke alarms inside your residence and to replace your batteries. If you have any questions, please call the fire department.

The temperature outside is gradually dropping. Please have your furnaces inspected and chimneys cleaned by licensed professionals this fall before they are used. If you do not have a carbon monoxide detector, please purchase them and ensure they are installed on every level of your home.

Interim Director Frantz – Service

Report stood as submitted.

Report

- 1) We are soliciting bids to perform the Village's annual street striping program. The intent is to stripe 17 streets, which represents just under nine miles of roadway. In addition, we will have the contractor paint new stop bars at every intersection within the Village. This project will be performed this fall and funds are in the budget to complete the work.
- 2) Service Department staff moved 20 flower pots from various locations throughout town to Constantine's, where the Richfield Garden Club repotted each one and they will be moved to key intersections for the fall.
- 3) We met with Ronyak Paving and a representative from the County Engineer's office to discuss some concerns related to the paving project on the south end of town (Motor, Five Oaks). To address the issues, Ronyak will be back in the Village over the next couple of weeks to rectify quality concerns we have raised in connection with the project. I will keep Council apprised as to when the work will begin. In 2017, we likely will need to rebuild the driveway aprons for properties that are experiencing problems related to the paving project. I am suggesting this work be tied into the 2017 capital budget for the Village's road maintenance program.
- 4) We have either executed or are in the process of executing the following agreements:
 - a. Sidewalk extension project, 303 to Hawthorne – Spano Construction;
 - b. Senior walking path – R.J. Platten and;
 - c. Waste collection services – Rumpke
- 5) Finally, I have been working with the Village Engineer and several members of the Service Department to address a stormwater management issue at the UPS Overnight facility off of Brecksville Road. Unfortunately, this matter has escalated and requires immediate engineering and realignment of stormwater runoff impacting several of the area businesses on Brecksville Road and Timberlake Drive. I am working with the Village Engineer and the business owners to identify the scope of the work and anticipate performing the work as an emergency project beginning as quickly as possible and completed by the end of 2016. I will provide Council with more details and estimates as they become available. I do have money in the budget for some unperformed stormwater management projects that I intend to utilize for this matter.

Director Frantz indicated that he has been talking with a building contractor who wants the Knopp House. He plans on turning it into a residence and to make it look like the period. It would be located within the Historical District. He wants to know if Council is willing to have a public offer to bid on the house. President Swan wanted to know if Council needed to do any action. Director

Frantz said that he was just presenting the information at this time. Mrs. Lanford stated that the Village had tried this several years ago and felt that it was a good idea. Director Frantz said that the builder has called several times and will keep Council apprised of further progress.

Mrs. Healey brought up that a meeting of North East Ohio Interim Museum Council has been announced on October 18th at the Historical Society and that the ramp will be needed. Director Frantz said that he is aware of the condition of the ramp and was working on a long term repair but in light of the meeting he will see if there is a temporary fix that can be made to the ramp to make it useable for this meeting. The group is looking at the Historical Society museum so the meeting cannot be moved to another location.

Director Jocek – Recreation

Report stood as submitted with the addition of acknowledgement of a concert to be held in the Masonic on Thursday, October 13, at 7 pm. It will feature songs from Frank Sinatra and Dean Martin among others.

Report

- Starting October 3, 2016 the Recreation Center will be open for use of the exercise equipment on Monday, Tuesday, Wednesday and Thursday's from 11 am until 8 pm. There is a joining/membership fee for this activity. (In the early morning we hold fitness classes, that is why we cannot use the room)
- On Thursday, October 13, 2016 at 7:00 pm Jay Nye will perform songs by Frank Sinatra, Dean Martin and more. It will be held at the Masonic Hall.
- We are getting ready for the Haunted Woods. This years spooktacular event will take place at Richfield Woods due to the addition of exercise equipment at the recreation center. The dates will be Oct. 20, 21, 22 and 28 & 29 from 6-10 pm except the 20th which is 6-9 pm.
- We have just completed another class with Abraham Nabors from the Mustard Seed Market. If you have an opportunity to attend our next class with him in November please do so you will be amazed by the knowledge of this young man about eating healthy.
- We will be holding another program on Social Security. The class is put on by the Department of Social Security, it is not a sales pitch, and it is an informational program for those who are approaching or seeing retirement in the future. It is a great program for those who will have OPERS and Social Security.
- It is never too early to plan for Christmas and the Holiday events. This year's Tree Lighting will be held on Friday, November 25, 2016 at 6:00 pm at Masonic Hall. Hope to see you all there. (Hope for snow!)
- If you have not been able to witness the new ball field lights on the Town Hall fields I hope you will plan on doing so in the spring. It is amazing what technology can do. There are less light poles, less light fixtures and more light. They are a big improvement to our field.

Director Frantz – Planning and Zoning

Report stood as submitted.

Report:

- 1) We are in the process of several enforcement matters related to property maintenance and work without permits. Several matters on the north end of town along Brecksville Road and Berkley, as well as various residential violations, have been processed.
- 2) The Mayor and I met with the interested builder/developer for the former Richfield Elementary and discussed the potential to redevelop the property into single family home sites. Based on the conversation, it appears the developer is moving forward and will submit the necessary documentation to begin the process of rezoning the property to accommodate 17 homes. We will keep Council apprised as this project advances.

Director Frantz stated that Council needs to refer an application received by Planning and Zoning by Mobility to locate three tower mounted poles in the right of way. Mr. Lyons questioned the

status as a public utility. Law director Hanna said that it appears that they have this status but it will be looked at more carefully by the Planning Commission. Mrs. Lanford asked for the location of the towers. They will be at Kinross Lakes near the new restaurant, Stonegate and near the property that Nexen is purchasing.

MOTION: TO REFER APPLICATION BY MOBILITY TO PLANNING AND ZONING COMMISSION.

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

Director Turk – Finance

Report stood as submitted.

Report

Income Tax Collections

September's income tax revenue is up 8.3%, or by \$62,966, compared to September 2015. Year-to-date income tax revenue is up 7.8% over the same time period last year. A 2% increase was built into the budget. A separate memo will be sent out with the final collection numbers. Any collections over 2% will be used to pay for the Service garage renovations instead of issuing debt and to cover change orders approved for other capital projects if possible.

On the State front, the Ohio 2020 Tax Policy Study Commission heard testimony from the Ohio Chamber of Commerce and Tom Zaino, past state Tax Commissioner that urged the committee to consider adopting a centralized system to collect Ohio's municipal income tax revenues to simplify business compliance issues and benefit municipalities. If the process is the same as the State collecting sales tax, then we can see a 2-3% processing fee come off of the top of our collections (approximately \$289,000) and then also a lag of two to three months before they forward us the money. We will have to work with other municipalities and related organizations to try and negate this effort or see if they are willing to collect without a fee and offer a timely return of our money.

RJRD Municipal Securities Filing

In conjunction with Squires Patton & Boggs the required Annual Information Filing for Fiscal Year 2015 was completed and filed with the Municipal Securities Rulemaking Board in relation to the Richfield Joint Recreation District Bonds that were sold in 2015. I have asked the Administrator to post this filing on the RJRD website.

2015 Local Tax Certification Filing

Per ORC Section 5747.50 for calendar year 2015, the Local Tax Certification was completed and filed with the Ohio Department of Taxation. This certification on municipal income, lodging and admissions taxes needed to be completed by December 31, 2016.

ADP Time and Attendance Module

We have been working with ADP to explore the automation of our time and attendance process. On October 10th at 1:30 p.m. ADP will provide a demonstration of this module to Department Heads and their employees who process payroll. The goal is to track and manage employees time in a more efficient manner. If the majority of the departments see a benefit to the module and the pricing is acceptable we will seek authority to purchase this module to enhance the payroll system.

Hennes Communications Presentation

The Ohio Association of Tax Administrators will hold its October 7th, meeting at 9:00 in our Town Hall. Bruce Hennes from Hennes Communications will be presenting on Crisis Management & Crisis Communications. The presenter is excellent and if anyone would like to attend there is a \$5 registration fee and coffee, juice and donuts will be provided.

Recommendations/Considerations:

Council's consideration of approval of Resolutions No. 61-2016 for the 2017 Public Defender agreement and No. 63-2016 for additional appropriations. This will be the third reading for both of these resolutions.

Legislation:

- A. ***Resolution No. 70 -2016 To Authorize the Necessary Tax Levies and Certify Them to the County Auditor.***

This resolution is being submitted for first reading. This is an annual request accepting the amounts and tax rates as determined by the County Budget Commission, and authorizing the necessary tax levies and certifying them to the Summit County Fiscal Officer. Adoption of the resolution would take place at the November 1st meeting. Political subdivisions of the State must provide approved resolutions to the County Fiscal Officer by November 11, 2016.

B. Resolution No. 61 – 2016 To Enter into an Agreement with the Summit County Public Defender’s Commission for Fiscal Year 2017.

This resolution is being submitted for third reading and consideration for approval. This is an annual agreement to have the Public Defender to provide legal counsel to indigent persons charged with a violation of the Village’s Codified Ordinances in Akron Municipal Court during 2017. The Village will be billed \$170 per case, the same rate since 2015. The last case that we had utilized their services was in 2013.

C. Resolution No. 63 -2016 To Make Appropriations for Current Expenses and Other Expenditures

This resolution is being submitted for third reading and consideration for approval. Overall appropriations are being increased by \$1,206,295.60. \$1,074,000 is related to the renovation of the Service garage since it was agreed that we will not issue debt for this project and pay cash since income tax collections are coming in over budget. There are

eight additional appropriations, one appropriation transfer request, and two cash transfer requests. The additional appropriations outside of the Service garage appropriations are to

cover anticipated medical expenses (the two lasers totaling \$160,000 were not appropriated at renewal in July to monitor how claims were coming in to make a determination as to whether the appropriation would be needed). Most departments are forecasted to come in slightly below or slightly above budget and the amounts being requested are to serve as a cushion just in case some expenses come in higher than anticipated. There are also some monies that are forecasted to be excess that can be reduced later in the year but want to ensure the amounts will not be needed before requesting to reduce the appropriations. The two cash transfers being requested would be to transfer cash to cover the payment of the Service garage renovations and the second one is to transfer four stale dated checks to the unclaimed monies fund.

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

Mr. Hudak read the recommendation from the Cemetery Board:

After considerable discussion the following recommendation was made, by motion, and unanimously approved by all members in attendance:

"Request the Mayor to include \$5,000.00 in the 2017 budget for the repair of the very old tombstones at Fairview. Also, budget for burial niches at Fairview and West Richfield cemeteries. Requesting to move forward with the engineering as well as construction of the grading and driveway for the expansion of Fairview Cemetery. The niches at West Richfield will help take the pressure off of Fairview during the improvements there."

With the expansions of the burial opportunities at both cemeteries there is no need to expand the mausoleum at this time. There are currently only 80-100 in-ground burial plots in West Richfield Cemetery.

The Cemetery Board would like to be added to Council’s Work Session agenda for the meeting on October 18th. This would be to present information and answer any questions regarding the above recommendation.

Mr. Hudak requested that the recommendation be included at the next Work Session and have the Cemetery Board to attend. Mr. Hudak also requested that there be a Finance Committee of the Whole to discuss the budget sometime. President Swan noted to include these items in the Work Session as appropriate.

Mrs. Healey asked if the property for the new graves was that parcel donated to the cemetery.

Mr. Hudak indicated that it is the property located behind Columbus Equipment.

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 was not able to attend the meeting and asked Director Jocek if there were any items that needed to be mentioned. Director Jocek stated that the Fall Fest was discussed along with requesting items to be included in the 2017 budget.

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

(See CAUCUS DISCUSSION under Resolution 71-2016)

COMMENTS FROM THE FLOOR ON AGENDA ITEMS ONLY - None.

ORDINANCES AND RESOLUTIONS.

First Readings:

RESOLUTION 70-2016 Offered by All of Council

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

CAUCUS DISCUSSION: None.

RESOLUTION 71-2016 Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH SUMMIT COUNTY FOR THE RICHFIELD SITE OF THE SUMMIT COUNTY REGIONAL RADIO SYSTEM AS SET FORTH IN THE CONTRACT ATTACHED AS EXHIBIT A, AND DECLARING AN EMERGENCY.

CAUCUS DISCUSSION: Mayor Beshara stated that it may be necessary to suspend third reading at the next session. Law Director Hanna that there is another piece of legislation needed, amending AT&T contract with the Village, before this can be passed. This Resolution is one layer of the process. The term may be changed in the legislation dealing with the amendment.

Second Readings: None.

Third Readings:

RESOLUTION 61-2016 Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE SUMMIT COUNTY PUBLIC DEFENDER'S COMMISSION FOR FISCAL YEAR 2017.

CAUCUS DISCUSSION: None.

MOTION: TO ADOPT RESOLUTION 61-2016.

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

DISCUSSION: None.

RESOLUTION 63-2016 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 ADOPT RESOLUTION 63-2016.

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

DISCUSSION: None.

RESOLUTION 65-2016 Offered by All of Council

A RESOLUTION AUTHORIZING ADDITIONAL COMPENSATION FOR THE INTERIM SERVICE DIRECTOR, AND DECLARING AN EMERGENCY.**CAUCUS DISCUSSION:** None.

MOTION: TO ADOPT ORDINANCE -2016.

Moved by Hudak seconded by Ellis. Roll call: Ellis, yea; Healey, yea; Hudak, yea; Kahoe, yea; Lanford, nay; Lyons, nay; Swan, yea. Motion passed.

DISCUSSION: Mrs. Lanford read the following statement:

Although I am not opposed to the notion of compensating an employee for extra work, I do think it needs to be fair, equitable, and substantiated. Unfortunately, I don't feel that is the case with this resolution. Several years ago when Roger retired as Planning and Zoning Director, we had a similar situation where the Service Director served additionally in that capacity for a little over 5 months. She was compensated \$2500 for that service which is not comparable to the compensation level proposed in this resolution. I also think it would be more appropriate to wait until the service director's position is filled before considering the appropriate level of compensation. This would allow the decision to be based on more measurable data and performance.

I also want to take a minute to express a concern I continue to have regarding the way we have been conducting our business in the recent past. The process we have followed on this resolution demonstrates my concern. Two meetings ago Council was asked to add this resolution to the agenda prior to having received a copy. That evening, we also had an executive session where the basics of the resolution were explained to council and we were verbally given information regarding a recent similar compensation arrangement in the Village to substantiate the payment level. However, there were several unanswered questions. We did not have any data on how many additional hours were required to effectively perform both functions and the probable length of the arrangement was yet to be determined. The next morning, we were emailed a copy of the actual resolution and upon reading it, I emailed the finance director to try to get additional information such as current hours worked, specifics of previous similar compensation arrangements within the Village, and if she had any knowledge of how other municipalities handle similar situations. The finance director had answers to some of the questions and as it turns out, an important piece information given in the first executive session to substantiate the compensation level was found to be incorrect. I forwarded the information to the rest of council with the request that we have another discussion about the material at our next meeting. At the next meeting, our last meeting, I was disappointed by the response of the majority of council and their lack of interest in having any further discussion on the topic. We did not even have the written resolution at the time of first reading, some of the information used to justify the compensation level had been shown to be incorrect after that first reading, yet a majority of council appeared to have come to a consensus to suspend the 3rd reading and adopt the resolution on second reading. This attempt appeared to have been designed to prevent any discussion of the information provided by the finance director. I have to admit I was a little shocked. I am reluctant to characterize the sentiment of council as a whole but the general feeling expressed was that individuals had already made their decision so any further discussion or information was merely a waste of their time. Consequently, there was no discussion of the information provided by the finance director. I think we can clearly do better and I think the community expects us to do better.

I am not bothered at all by the fact that this particular resolution is likely to pass or that anyone sitting up here may not share my view but I am deeply troubled by the fact that we no longer seem interested or able to have respectful, meaningful, substantive discussions on resolutions and projects. Some are content to be dismissive of the facts and perspectives of others if they believe they have the votes necessary for passage. I find that alarming. In this case and in many others, it seems some are more focused on being quick to make a decision than on the decision itself even to the point of shortchanging the process.

I challenge this council and the administration to do better. When I first got on council we had meaningful work sessions where we deliberated on ideas and projects often times prior to any legislation being drafted. We first determined as a group what information should be gathered to even begin to make a decision and then after the information was gathered and everyone had time to review it independently, we came together to discuss. There were no territorial claims or attempts to withhold information. Oftentimes my views changed listening to how others thought about or viewed information. Sometimes the discussions led to more questions and that was okay. Was it time consuming? Sure, but it is an effective way to arrive at well-reasoned decisions. I think we have started to lose sight of the value of healthy debate and deliberation which requires mutual respect and the opportunity to challenge ideas and hold each other accountable. It is my hope that each person in this room think about what has transpired with this particular resolution and ask yourself if we could have done better. Thank you.

Mr. Hudak stated that the Administrator and Administration sees firsthand how much time Director Frantz is spending as the Interim Service Director. There are other things that went on with this resolution and the individual needs to know what the level of compensation would be. Mayor Beshara stated that only the level of compensation was missing at the first reading and that Council had adequate time to review this project. She felt that Mrs. Lanford's references are not true and that anyone could contact her office for more information. The Mayor felt that the statement is an insult. Mrs. Lanford stated that discussions are to be done as a group and not in calls to the Mayor. Mr. Lyons felt that Mrs. Lanford had a valid point that deliberations are to be as a group. He felt it was troubling and that the Mayor should not be so dismissive of the points made in the statement. Mrs. Healey indicated that she was not a part of any side discussions. Mr. Ellis made the same statement. Mr. Hudak stated that he did not discuss how he would vote, but he felt he saw first-hand how much work was being done, felt it supported the recommendation by the Administration and that Director Frantz deserved to know how much he would be compensated for the work.

UNFINISHED BUSINESS: None

NEW BUSINESS: Mr. Hudak stated that someone indicated that he had stated that the road behind Town Hall connection to the library would reduce parking and that he had made no such statement.

COMMENTS FROM THE FLOOR Beverly Goldstein, candidate for congress District 11, introduced herself and distributed packets to Council and anyone in the audience desiring information. She stated that she is making visits to all the municipalities in the District.

WORK SESSION

Discussion Topics

1. Emergency Storm Water Issue (Frantz).

Director Frantz presented pictures and videos of the situation between UPS, Herschel Products and Winar Connection new building. It appears that Village water collected along Brecksville Road is not flowing through the piping under the UPS parking lot and into the stream. The pipe is collapsed, causing the water to overflow the basin and onto the surface of UPS lot and into their drains which outlet onto the other properties. The solution will be to intercept the water before the basin and route it in the right of way along Brecksville Road and into the stream. It is about 450 feet and is intended to be completed before the end of the year. It will cost \$75,000 to \$100,000 to complete this item. An emergency

process will be utilized that will allow the contractors to bid the project. There will be a 20% contingency for this project due to all the unknowns.

2. Open Discussion

It was decided to have a discussion on the Town Hall road at the next Work Session as no information was available at this time.

Two Departments will be moving into the renovated Service Garage. The plans for moving the remaining departments to that property will be resurrected and updated with the possibility of engineering being done in 2017.

Old Business – None.

New Business – None.

MOTION: TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING: 1) PENDING LITIGATION, 2) APPOINTMENT OF A PUBLIC EMPLOYEE, AND 3) HIRING A PUBLIC EMPLOYEE.

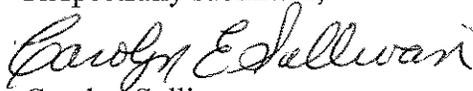
Moved by Hudak seconded by Ellis. Upon roll call motion passed unanimously.

Council Adjourned to Executive Session at 7:58 pm and returned at 9:22 pm.

(Mr. Lyons left at 8 pm)

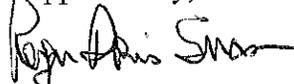
ADOURNMENT: President Swan adjourned the meeting at 9:22 pm.

Respectfully submitted,



Carolyn Sullivan
Council Clerk

Approved by,



Roger Davis Swan
President of Council