



**RICHFIELD VILLAGE COUNCIL  
REGULAR MEETING MINUTES**

**TUESDAY, FEBRUARY 20, 2018**

**6:30 p.m.**

**ROLL CALL:** Domanick, Healey, Hudak, Kahoe, Lanford and Lyons. **ABSENT:** Wheeler.

**OTHERS PRESENT:** Mayor Beshara, Police Detective Sgt. Mike Swanson, Fire Chief McLean, Assistant Service Director Aldrich, Parks and Recreation Director Jocek, Planning & Zoning and Interim Service Director Frantz, Finance Director Turk and Law Director Hanna. **ABSENT:** Police Chief Morgan.

Lyons began the meeting with a moment of silence to honor the fallen Westerville police officers and the victims of the Florida school shooting.

**APPROVAL OF MINUTES:**

**MOTION:** TO APPROVE THE MINUTES OF THE JANUARY 16, 2018, REGULAR MEETING, AS CORRECTED.

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

**MOTION:** TO APPROVE THE MINUTES OF THE FEBRUARY 6, 2018, REGULAR MEETING, AS CORRECTED.

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

**COMMUNICATIONS AND PETITIONS:** Summit County asked for support for the annual Summit for Kids in August. Summit County Council sent a copy of its resolution raising the fee for motor vehicle licenses by \$5.

**MAYOR'S REPORT**

Beshara said the department heads are working on year-end reports. Also, she will deliver the State of the Village address to the Chamber of Commerce on March 6 at Days Inn.

The mayor also received a message from a non-resident who visited a Richfield cemetery. The visitor commented on how well-kept the cemetery was and how well it reflected on the community.

**DEPARTMENT HEAD REPORTS:**



### **Detective Sgt. Swanson – Police**

He said he would discuss the conceal-carry issue during the work session.

### **Chief McLean – Fire**

He traveled to Columbus for a mid-construction meeting on the new ambulance. It should be finished in March.

Fire department members had a refresher on Haz Mat procedures, which is important because two Haz Mat events took place in Richfield last year.

Also, National Interstate has moved into its new building.

### **Assistant Director Aldrich - Service**

No report.

### **Director Jocke - Parks and Recreation**

#### **Report:**

- Our fitness membership continues to grow, and we are getting a regular flow of people to work out on the machines.
- We are prepping for Project Pride, Clean up Richfield and the Arbor Day Tree giveaway. Again this year we will be shredding, and collecting computers and other electronic equipment. That date is Saturday April 21 from 9-Noon. Please consider getting a group of your neighbors together to adopt a location to help pick up trash.

The date for the Arbor Day Tree Giveaway is Saturday, April 28<sup>th</sup>, starting at 9 am until trees are gone.

- Please keep your dates open in April. We will be having the 4<sup>th</sup> Annual Art Show at the Masonic Hall on Saturday, April 14<sup>th</sup> from 10 am until 4 pm.

Just a reminder that we are celebrating the 5<sup>th</sup> anniversary of the award-winning Story Walk in the Carter/Pedigo Trail on Saturday, April 21 at 10:30 am. Come and bring a child, read the LORAX story and then plant a tree to take home or on the trail.



**Director Frantz – Planning & Zoning and Service**

**Report:**

- 1) At their meeting held on February 13<sup>th</sup>, the Planning Commission took the following actions:
  - a. approved exceptions to Sections 6.9.1, 6.3.12, 6.9.5 of the Subdivision Regulations in connection with a minor subdivision for the property located at 5145 Brecksville Road;
  - b. approved a conditional zoning certificate to CDL Training Services of Cleveland to operate a training academy from the property located at 2636 Brecksville Road; and
  - c. approved replacement of two signs on the property located at 2636 Brecksville Road.

Pursuant to Section 1173.07 (d) of the Planning and Zoning Code, I am asking Council's consideration to waive their "call-up" authority so I can issue the conditional zoning certificate to CDL Training Services of Cleveland, as recommended by the Commission. At their upcoming meeting on February 27<sup>th</sup> the Planning Commission will be discussing the pending marijuana ordinance referred from Council. I anticipate a recommendation being sent back to Council at their March 6<sup>th</sup> meeting.

- 2) Based on direction from Council, I met with GPD's architect regarding the ramp project for Old Town Hall. We are examining the potential of eliminating the ramp on the front and side of the building and utilize a power lift. Based on our initial findings, it appears this is possible and could cost less than moving the ramp to the front of the building. If Council prefers the lift option, we will work with the architect to draft plans for review.
- 3) I attended a preconstruction meeting for the Columbia Road project. The first step in the project is to locate the foundations for the new poles associated with the relocated lights. This work is being completed this week and won't interfere with traffic. The bulk of the project will start once the weather breaks, and traffic in the area will be maintained as best as possible during construction. However, at times it may be necessary to close a lane of traffic depending on the work being completed. Completion of construction is expected by the end of August. I will keep Council apprised as the project progresses.



- 4) The expansion at Fairview Cemetery is underway with the first step of tree clearing complete. To continue the project, we are seeking Council's authorization to proceed with bidding the project. We anticipate opening bids in early March and approach Council to award a contract at the March 20<sup>th</sup> meeting. I would like construction to begin no later than April 15<sup>th</sup> to finalize the project by the end of summer. Given this, we are requesting suspension of 2<sup>nd</sup> and 3<sup>rd</sup> readings of the legislation related to the authorization to bid.

**Recommendations/Considerations: None**

**Legislation: Ashton Court Public Road Dedication (requested three readings); Fairview Cemetery Project Bidding (requested suspension of 2<sup>nd</sup> and 3<sup>rd</sup> readings) and; Purchase of a 2018 Ford Transit 150 MR Wagon (requested three readings)**

**MOTION:** TO WAIVE CALL-UP AUTHORITY CONCERNING THE APPROVAL BY THE PLANNING AND ZONING COMMISSION OF THE ISSUANCE OF A CONDITIONAL ZONING CERTIFICATE TO CDL TRAINING SERVICES.

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

**MOTION:** TO EXTEND THE REFERRAL OF ORDINANCE 66-2017 TO THE PLANNING AND ZONING COMMISSION BY AN ADDITIONAL 30 DAYS.

Moved by Hudak, seconded by Lanford.

Beshara suggested that the referral be extended to April 17. Hudak withdrew the motion.

**MOTION:** TO EXTEND THE REFERRAL OF ORDINANCE 66-2017 TO THE PLANNING AND ZONING COMMISSION UNTIL APRIL 17, 2018.

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

## **Director Turk – Finance**

### **Report:**

#### **Sewer Bills**

The fourth quarter sewer bills were mailed out on January 26<sup>th</sup> and payment is due by February 23<sup>rd</sup>.

#### **2017 Annual State Report**

Per the Ohio Revised Code, the 2017 annual finance report for the Village and the RJRD will be completed and filed with the State Auditor's office before the end of the month. The required legal ad stating that the reports are complete and available for inspection in the Finance office



will be published in the March 1<sup>st</sup> West Side Leader.

### **2016/2017 Audit**

Charles E. Harris, our independent public accountant, began the Village's 2016/2017 audit last week. They should finish their audit report in about a month.

### **Recommendations/Considerations:**

Consideration of adopting the following three resolutions and ordinance. The first two insurance resolutions have been amended to reflect the renewal quotes and are at their third readings. The last resolution for a Then and Now Certificate for GPD for the Ashton Village inspections. It is submitted for first reading, consideration of suspension of the other readings, and consideration for adoption since the services have been rendered to ensure that obligations can be met in a timely manner. The income tax ordinance should be adopted by February 24, 2018.

### **Legislation:**

#### ***A. Resolution No. 2-2018 (As Amended 2/15/2018) Accepting the Proposal of Ohio Plan Risk Management, Inc. for Property and Casualty Insurance Coverage.***

This resolution has been amended to reflect the renewal amount of \$58,192 and is submitted for third reading and adoption. The current property and casualty insurance coverage with Ohio Plan expires on February 28<sup>th</sup> and costs us \$57,980. In 2016, the coverage cost us \$59,805. The renewal quote for 2018 came in at \$58,192, or a 0.4% increase. The increase is due to the additional properties, vehicles, and inland marine increases but is offset by the Plan Advantage Program credit.

Ohio Plan offers the "Plan Advantage Program" that is a renewal premium credit that may be rewarded to a member on an annual basis based upon the number of consecutive years of membership, loss ration calculation, and risk management practices. The new credit amount is \$4,702, or a 7.4% credit, and that credit can climb by 1% each year basically with a maximum credit of 20%.

Ohio Plan has been in existence since 1988, and it is a not-for-profit entity that services only public entities. They have over 760 Ohio public-entity clients. Services are provided from Toledo. The briefing memo provides additional details.



***B. Resolution No. 3-2018 (As Amended 2/13/2018) Authorizing to Enter into an Agreement with VFIS for Accident, Death, and Dismemberment Insurance Coverage for Firefighters.***

This resolution has been amended to reflect the renewal amount of \$4,463 and is submitted for third reading and adoption. Provident and Police & Firefighters Insurance Associations have been requested to submit quotes. The Fire Chief likes VFIS since they provide their customers education, risk control and management programs for little or no cost. Examples of the training would include emergency vehicle driver training, or emergency vehicle response safety classes, etc. This insurance was picked up primarily to have coverage for the part-time fire employees and it is extended to the full-time employees also. The current coverage expires on February 28<sup>th</sup> and costs us \$4,687 the same as 2016 costs. The renewal quote is \$4,463, or 4.8% lower than the current premium. Provident quoted \$4,736. Police and Fireman's Insurance Association declined to quote. The briefing memo provides additional details.

***C. Resolution No. 18-2018 To Authorize Warrants for Payment Based on Then and Now Certificates***

This resolution is submitted for first reading and consideration of suspension of second and third readings, and consideration for adoption at the February 20, 2018 Council meeting. Adoption is respectfully requested since this certification is for GPD services rendered since August 2017 and received in 2018 to pay. The purchase requisitions were not processed until December 1, 2017, after the services were rendered. The bills will be paid in February resulting in the need for a Then and Now Certificate. The certificate is for the GPD Group related to the Calabersa environmental or the Ashton Village inspections. August's invoice was for \$4,136.63 for the Calabersa environmental; the Ashton Village inspections were as follows: September's invoice was for \$5,767.39; October's invoice was for \$4,400.78; and November's invoice was for \$3,339.88. Petros Homes submitted funds to cover these inspections.

ORC 5705.41 (D) states that no taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached a certificate of the fiscal officer stating the amount required to meet the obligation has been lawfully appropriated. The certification must be obtained prior to entering into a contract or order involving the expenditure of funds. The services listed in the resolution were ordered or purchased prior to the certifications taking place. If this occurs, instead of utilizing a standard certification through a purchase order, a "then and now certificate" must be utilized. This is a certification that states both at the time



the contract or order was made ("Then") and at the time the fiscal officer is completing the certification ("Now") sufficient funds were available or in the process of collection, to the credit of a proper fund.

Amounts of less than \$3,000 may be paid by the fiscal officer without a resolution upon completion of the "then and now" certificate, provided the expenditure is otherwise lawful. If the amounts are \$3,000 or more, a resolution must be obtained.

***D. Ordinance No. 19-2018 To Amend the Income Tax Ordinance to include the Authorization of State Officials to Collect and Administer Net Profit Taxes for Companies that Opt into the State's Program.***

This ordinance is submitted for first reading and consideration of suspension of second and third readings, and consideration for adoption at the February 20, 2018 Council meeting. Adoption is respectfully requested since this should be adopted by February 24, 2018. House Bill 49 Section 803.100 is requiring that municipalities adopt certain municipal income tax provisions to authorize State officials to collect and administer municipal net profit taxes. Companies have the opportunity to opt into the State's program if they wish. Presently, we have three companies out of 1,200 that have opted into the State's program. The three companies have employees working in multiple jurisdictions.

The Village is a party to ongoing litigation seeking a declaration that the H.B. 49 municipal income tax provisions, Section 718.04 (A) of the ORC, and other provisions usurp the powers of local self-government are unconstitutional, and to enjoin all actions by state officials to implement the H.B. 49 municipal income tax provisions.

The State did require the passage of this language before January 31, 2018, but since there was an injunction filed and a stay ordered by the court, that date has been extended to February 24, 2018. If the court rules in our favor, we will ask to rescind this Ordinance.

**Law Director Hanna**

Hanna said House Bill 478, which would revise Senate Bill 331 and dealt with small-cell antennae, has passed the House and is moving into the Senate. Also, a challenge to House Bill 49 has been filed in Franklin County, and the court has stayed implementation of the law, but only until Feb. 24. Council can adopt Ordinance 19-2018 tonight to comply with the new state law.



### COMMITTEE REPORTS:

Domanick said membership is growing at the recreation department. The Silver Sneakers program is available there. The next Park Board meeting is scheduled for March 5.

Hudak said the Cemetery Board met on Jan. 23 and discussed the Fairview expansion. Jeff Ferrara was voted as the board president. The Service department straightened the headstones, and the board is looking at processes for fixing broken headstones.

Beshara said the village cremated an indigent Pine Valley Care Center resident who had no family. He will get a proper burial service.

Healey said the RJRD does allow audience members to make comments, but those comments are not included in the minutes.

**CAUCUS (See discussion under legislative items)**

**COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY:** None.

### ORDINANCES AND RESOLUTIONS

#### *First Readings:*

#### **RESOLUTION 18-2018**

Offered by All of Council

**A RESOLUTION TO AUTHORIZE WARRANTS FOR PAYMENT BASED ON THEN AND NOW CERTIFICATES FOR PURCHASES, AND DECLARING AN EMERGENCY**

**MOTION:** TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 18-2018.

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

**MOTION:** TO ADOPT RESOLUTION 18-2018.

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

#### **ORDINANCE 19-2018**

Offered by All of Council

**AN ORDINANCE ENACTING SECTIONS 192.22 THROUGH 192.2215 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RICHFIELD TO CORRESPOND AND BE CONSISTENT WITH CHAPTER 718 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY**

**MOTION:** TO SUSPEND SECOND AND THIRD READINGS OF ORDINANCE 19-2018.

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

**MOTION:** TO ADOPT ORDINANCE 19-2018.

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





**RESOLUTION 20-2018**

Offered by All of Council

**A RESOLUTION AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE FAIRVIEW CEMETERY EXPANSION PROJECT, AND DECLARING AN EMERGENCY**

**MOTION:** TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 20-2018.

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

**MOTION:** TO ADOPT RESOLUTION 20-2018.

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

**RESOLUTION 21-2018**

Offered by All of Council

**A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 2018 FORD TRANSIT 150 MR WAGON FROM MONTROSE FORD UNDER THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY**

**CAUCUS DISCUSSION:** Lanford said she would like to discuss this resolution at the next work session.

*Second Readings:*

**ORDINANCE 16-2018**

Offered by All of Council

**AN ORDINANCE ACCEPTING THE ROADWAY DEDICATION WITHIN THE ASHTON VILLAGE RESIDENTIAL DEVELOPMENT**

*Third Readings:*

**RESOLUTION 2-2018**

Offered by All of Council

**A RESOLUTION ACCEPTING THE PROPOSAL OF OHIO PLAN RISK MANAGEMENT, INC. FOR PROPERTY AND CASUALTY INSURANCE COVERAGE FOR THE VILLAGE AND ITS EMPLOYEES AND DECLARING AN EMERGENCY**

**MOTION:** TO ADOPT RESOLUTION 2-2018.

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

**RESOLUTION 3-2018**

Offered by All of Council

**A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH VFIS FOR ACCIDENT, DEATH, AND DISMEMBERMENT INSURANCE COVERAGE FOR VILLAGE FIREFIGHTERS AND DECLARING AN EMERGENCY**



**MOTION: TO ADOPT RESOLUTION 3-2018.**

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

**RESOLUTION 4-2018**

Offered by All of Council

**A RESOLUTION EXPRESSING THE INTENT OF THE VILLAGE OF RICHFIELD TO SELL PERSONAL PROPERTY INCLUDING BUT NOT LIMITED TO VEHICLES, EQUIPMENT, TOOLS, AND SUPPLIES, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH THEY WERE ACQUIRED, BY INTERNET AUCTION IN ACCORDANCE WITH OHIO REVISED CODE SECTION 721.15, AND DECLARING AN EMERGENCY**

**MOTION: TO ADOPT RESOLUTION 4-2018.**

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

**RESOLUTION 9-2018**

Offered by All of Council

**A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) KDW1003 HUSTLER UTILITY MDV WITH HITCH KIT FROM BAKER VEHICLE THROUGH THE STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY**

**MOTION: TO ADOPT RESOLUTION 9-2018.**

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

**ORDINANCE 66-2017 (ref. to PZC 120 days until 4-17-18) Offered by All of Council**  
**AN ORDINANCE ENACTING NEW CHAPTER 1183, "MEDICAL MARIJUANA," OF TITLE SEVEN, "ZONING REGULATIONS APPLIED TO ALL DISTRICTS," OF THE CODIFIED ORDINANCES**

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** None.

**COMMENTS FROM THE FLOOR:** None.

**WORK SESSION:**

**Renovations to Old Town Hall**

Lyons said he wanted to discuss the idea of a wheelchair lift and accessibility to both bathrooms. Frantz said an indoor lift for access to the bathroom would be difficult. He said an exterior lift would be very possible for about \$8,500. Hudak said high-quality lifts are available for a low



price from families that no longer need them. Lyons asked if it would be possible to have the lift in the front of the building instead on the side.

Hudak said it would be cheaper to install the lift than to renovate the current ramp.

### **Knopp House**

Lyons said he is putting together a resolution that looks at the history of the house and lays out options for how to address its future. If these options don't work, the house should be demolished. The Knopp family would have the chance to salvage items in this case. Kahoe suggested that the house could be "mothballed" or used as a time capsule.

### **Water Tower Timeline**

Lyons said this issue was premature and could be discussed at the next meeting. Healey asked about extending water to the center of town. The administration is working with the City of Cleveland and a proposal could come along with the water tower timeline.

### **Conceal-Carry in Public Places**

Domanick suggested that public building should have dedicated entrances and metal detectors. Beshara said Town Hall was vulnerable.

Swanson said "if you see something, you should say something." If someone is acting erratically, it shouldn't be shrugged off.

Council will have a work session on March 8 at 6 p.m. to discuss GPD Group's road and traffic studies.

Lyons adjourned the meeting at 7:55 p.m.

Respectfully Submitted:

Jeff Gorman  
Clerk of Council

Mike Lyons  
Council President