



**RICHFIELD VILLAGE COUNCIL
REGULAR MEETING MINUTES**

TUESDAY, MARCH 6, 2018

6:30 p.m.

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

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

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES OF THE FEBRUARY 20, 2018, REGULAR MEETING, AS CORRECTED.

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

COMMUNICATIONS AND PETITIONS: The Planning & Zoning Commission notified Council on March 1 that it recommended approval of Ordinance 66-2017, the zoning ordinance regarding medical marijuana.

The city of Cleveland invited Council members to its water treatment plant for an Open House on May 14.

MAYOR'S REPORT

Beshara said she would request an executive session at the end of the meeting. Also, Fire Chief McLean will discuss the circumstances behind the Taverner of Richfield closing.

The mayor added that Richfield Township would not be participating in the Arbor Day tree giveaway. She thanked the township for last year's contribution.

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

February 2018

Village 1068 Township 236

Report:

The new police vehicle that was purchased to replace the unit totaled in a crash in



October has been outfitted and is now operational.

A mock crash will be held at Revere High School on April 27. It is a collaborative effort among the Richfield Police and Fire, Bath Police and Fire, Revere Schools and the Ohio State Patrol.

The police department will be participating in a report sharing service with the Akron Municipal Court and the Summit County Common Pleas Court. The Matrix program will allow digital data sharing between the courts and police departments, eliminating the necessity of producing paper copies of reports and delivering them in person.

Chief McLean – Fire

The Taverne of Richfield's hood suppression system was installed in 1978. Many technological changes have occurred since then, and the system did not function well. It failed a test and was no longer operational resulting in the closure of the restaurant. The chief and Lt. Jason Purkey spent a considerable amount of time on this project over the years. Hudak said that while it was bad that the Taverne closed, a catastrophe there would have been worse.

- Calls for the month of February: Twp. EMS 13, Fire 3, Village EMS 45, Fire 9, Mutual Aid given was 10, for a total of 80.
- We had a few members attend an Arson Investigation two-day seminar in Ashland this past weekend.
- We will take delivery of our new ambulance in the middle of March, and we are on budget with this project of \$275,000, but some of the funds were not transferred from 2017 to 2018 to complete this project.
- Work has started on the old pickup for the grass fire truck conversion.
- The year-end report was completed on 3-2-2018.
- I will also give an accurate account of the situation and history of the closing of The Taverne of Richfield at the meeting. The information reported in the recent Richfield Times is not accurate.
- We are holding a pump operations class on March 7. This will be taught by Chief Bob Raznick from Suffield Fire Dept.
- I attended a retirement party for Lt. Pat Coleman from the City of



Brecksville. Lt. Coleman had 40 years of service and we did many training sessions together. We wish him well from Richfield Fire.

Director Jocek - Parks and Recreation

Report:

- We are getting ready for the fastest event in Richfield...the Easter Egg Hunt. It will be held on Saturday March 24th at 11:00 a.m. until 11:01 a.m. Please join us at the Village Hall Pavilion.
- After the Easter Egg Hunt, we will go to the Masonic Hall and dye Easter eggs. We are inviting families to join us and start a long-lasting tradition. This program starts at 1:00 p.m.
- The annual ART Show will be held on Saturday, April 14 from 10:00 a.m. until 4:00 p.m. at the Masonic Hall. Please plan on stopping and doing a little shopping. There will be a variety of talented artists using many different mediums.
- We are prepping for Project Pride, and Clean Up Richfield. Again this year we will be shredding, as well as 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 Arbor Day Tree Giveaway is set for Saturday, April 28th starting at 9 a.m. until trees are gone.
- Just a reminder that we are celebrating the 5th anniversary of the award-winning Story Walk in the Carter/Pedigo Trail on Saturday, April 21, 2018 at 10:30 a.m. Come and bring a child, read the story "The LORAX" and then plant a tree to take home or on the trail.
- We will be sending our Spring/Summer flyer to all the Richfield homes. Please take the time to read it and see all the different types of programs and events we are planning.



Director Frantz – Planning & Zoning and Service

Frantz has met with Cleveland water officials, and they will visit Council at the April 17 meeting to discuss the water tower project.

He gave Council a memo from GPD Group traffic engineer Kevin Westbrook, recommending six signs for Humphrey Road reading “Hill Blocks View – 25 mph.” Kahoe suggested only two signs, one on each side of the road.

He gave Council another memo from GPD architect Scott Wallenhorst. He recommended a lift for the front of the Richfield Historical building, masked by a decorative concrete wall.

Report:

- 1) At their meeting held on February 27th, the Planning Commission took the following actions:
 - a. recommended approval of Council Ordinance 66-2017 (Medical Marijuana) that will be applied to all zoning districts; and
 - b. approved the luminaire and the associated pole for the Kinross Lakes road extension project.

At their upcoming meeting on March 13th the Planning Commission has received applications for new signage related to the pending Cozumel restaurant (previously Memories); a rezoning request of approximately three acres of land located at 5145 Brecksville Road; and a presubmission conference for a new car wash off Brecksville Road on the north end of town.

At their February 28th meeting, the Board of Zoning Appeals (BZA) approved two variances for the property located at 5145 Brecksville Road. The BZA approved a variance from Section 1149.05 (c) of the Zoning Code to create a parcel that does not maintain 200 feet of frontage on a dedicated public road and a variance from Section 1149.07 of the Zoning Code to permit a 62.5 feet front yard setback instead of the required 100.

- 2) We have met with two prospective parties interested in acquiring 3401 Brecksville Road (the former drive-in movie theater). One party is interested in the property for an outdoor sports complex (e.g., soccer, baseball, etc.) and the other party is possibly interested in the land for a large-scale office, manufacturing and warehouse project. We will keep



Council apprised as information becomes available.

- 3) Based on direction from Council, I spoke with GPD's Architect regarding the ramp project for Old Town Hall. They are examining the potential to utilize a power lift in two separate locations. The first option would be adjacent to the existing front steps, and the second option would be internally toward the rear of the building near the barrier-free restroom. I provided GPD with the lift example discussed at the previous Council meeting and asked them to examine these options in the most cost-effective manner. I will keep Council apprised as information comes available.
- 4) Service Department staff worked on a layout for cemetery sites in connection with the expansion project at Fairview. Utilizing three-foot walkways similar to those found in West Richfield Cemetery, the final layout approved by the Cemetery Board yields 400 in-ground lots. The Village's consultant provided a generalized layout for the expansion area that yielded 418 burial sites, but without dedicated walkways.

Regarding the expansion at Fairview Cemetery, Service Department staff conducted a pre-bid walk-through for prospective bidders. The pre-bid meeting was well attended despite the weather conditions. The bid opening is scheduled for March 13th at 10 a.m. Legislation to award a contract will be presented at the March 20th Council meeting.

- 5) The cemetery board is requesting Council consider the following changes to the pricing structure:
 - An increase from \$325.00 to \$450.00 for veteran lot sale;
 - An increase from \$400.00 to \$600.00 for a resident lot sale; and
 - An increase from \$525.00 to \$725.00 for a non-resident lot sale.

The Board is also recommending Council adopt pricing (see below) to sell 4'x4' in-ground cremains burial plots:

- Veteran \$225.00
 - Resident \$300.00
 - Non-Resident \$360.000
- 6) I met with Stantec Engineering to discuss their Phase I environmental work being completed in connection with the water pumping station being erected at 3921 Brecksville Road. Their report should be completed in the next week or two, and initial



discussions have not focused on any concerns with the pump station site. I will keep Council abreast of new information related to this matter.

Recommendations/Considerations: None

Legislation: Ashton Court Public Road Dedication (third reading); Purchase of a 2018 Ford Transit-150 MR Wagon (2nd reading; requested three readings)

Director Turk – Finance

Report:

Income Tax

February's income tax collections are up 10.7%, or up by \$151,845 compared to February 2017. For 2018, I had budgeted \$10,051,656, or a 1.1% increase over 2017 collections. Net profits and withholding collections are both up, while individual collections are down compared to February 2017. A separate memo was sent out with the final February information.

In relation to the income tax litigation, the trial court denied the request for preliminary injunction. It also granted final judgment to the State defendants on all claims. The decision is based on the Judge's legal conclusion that the State's constitutional authority to limit municipal power "to levy taxes" includes authority to collect municipal taxes.

At this time, Frost indicated that they anticipate filing a notice of appeal as soon as possible. Judge Cain did not make any findings of fact from the two-day hearing held. So, the question on appeal will purely be the legal question of whether the State laws violate the Ohio Constitution. The appellate court's review of that question is under the *de novo* standard, meaning that the court of appeals takes an independent look at the law without deference to the trial court's legal conclusions.

Filing the notice of appeal does not automatically stay the judgment. A stay pending appeal requires a separate request. The request for stay must be made first to the trial court, and if denied by the trial court, the request for stay is heard by two judges of the court of appeals. Frost also indicated that they intend to make a request for the stay.

The City of Toledo's law department recently filed a complaint in Lucas County and has a pending request for preliminary injunction in its case.

NOPEC Community Sponsorship Program

NOPEC announced a new Event Sponsorship Program designed to provide financial support to organizations within our community that host events that are accessible to your residents. NOPEC wants to help support events in their member communities that are free and open to the



public, but rely on donations to be held.

Richfield's sponsorship amount for 2018 is \$1,500. The amount of funds allocated was determined by the average number of enrolled residential/business gas and/or electric accounts during the 2nd and 3rd quarters of 2017. We must designate all available funds no later than Monday, April 9, 2018. Requests not submitted by April 9, 2018 will not be processed. These funds will not roll over to 2019.

All sponsorship funds will be distributed via Electronic Fund Transfers directly to the event organizations. No funds will be dispersed directly to the Village. The Mayor is working on identifying the events to apply for the funds.

2017 Annual State Report

Per the Ohio Revised Code, the 2017 annual finance report for the Village and the RJRD have been completed and filed with the State Auditor's office before the March 1st deadline. The required legal ad stating that the reports are complete and available for inspection in the Finance office was published in the March 1st West Side Leader.

2016/2017 Audit

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

Law Director Hanna

Hanna said House Bill 478, which would revise Senate Bill 331 and dealt with small-cell antennae, had its first hearing in the Senate after passing the House.

COMMITTEE REPORTS:

Domanick said the Arbor Day Tree Giveaway is scheduled for April 28 at 9 a.m. Eight varieties of trees will be available, and households should receive no more than one of each variety. He said the Tree and Landscape Commission would tour the village in the Senior Center bus on April 23.

Project Pride, the annual effort to clean up Richfield, is set for April 21 from 9 a.m. to noon. Little Sprouts camp is scheduled for the weeks of June 18 and July 16.

Upcoming events include concerts on June 29, July 13 and Aug. 3; the Sweet Corn Challenge 5K and 10K on July 29; and the Community Day Fireworks on Aug. 12.

Also, an open forum on the future of the Rec Center will take place on May 5 at 9 a.m. at 3333 Brecksville Road.



Hudak said the Cemetery Board considered a fee increase at their Feb. 27 meeting. The service department will work on straightening headstones, and the board is seeking a grant to repair broken headstones.

CAUCUS (See discussion under legislative items)

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY: None.

ORDINANCES AND RESOLUTIONS

First Readings: None.

Second Readings:

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: Beshara asked that this discussion take place here rather than at the work session. Lanford noted that since the Senior Center car does not accumulate too many miles, it may be wise not to buy a new car. Her suggestions included buying a used car or using Uber or Lyft. Kahoe suggested leasing a car. Lanford said Jan from the Senior Center did not want to team up with Bath or Pine Valley. Hudak warned against a used car, because some of them are brought up from the South with flood damage.

Third Readings:

ORDINANCE 16-2018

Offered by All of Council

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

MOTION: TO ADOPT ORDINANCE 16-2018.

Moved by Hudak, seconded by Kahoe. 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

MOTION: TO ADOPT ORDINANCE 66-2017.

Moved by Hudak, but Hanna said Council needed to conduct a public hearing. It will take place at the April 17 meeting at 6:30 p.m.



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UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

COMMENTS FROM THE FLOOR:

Henry Holtkamp of the Citizens for Yellow Creek asked Council to appear at Judge Allison Breaux's courtroom to oppose the creation of the Yellow Creek Watershed Conservancy District.

Cherie Duda from GMS said she and other supporters of Assistant Service Director Paul Aldrich wanted to know why there has been "some discrimination to him." She added that GMS just put an \$11 million building across from Whitey's. Lyons said this was not the proper forum, and it is an employment situation with the village. He recommended that she talk to the mayor.

WORK SESSION: None.

MOTION: TO ENTER EXECUTIVE SESSION FOR THE PURPOSES OF DISCUSSING THE PURCHASE OF PROPERTY, THE SALE OF PROPERTY AND THE COMPENSATION, DISCIPLINE AND/OR HIRING OF A PUBLIC OFFICIAL .

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

Executive session began at 7:23 p.m.

Lyons adjourned the meeting at 8:45 p.m.

Respectfully Submitted:

Jeff Gorman
Clerk of Council

Mike Lyons
Council President

