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RICHFIELD VILLAGE COUNCIL REGULAR MEETING MINUTES

**TUESDAY, MARCH 20, 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 MARCH 6, 2018, REGULAR MEETING, AS CORRECTED, AND THE MARCH 8, 2018, WORK SESSION.

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

COMMUNICATIONS AND PETITIONS: Frantz notified Council on March 14 that the Planning and Zoning Commission recommended approval of the proposed rezoning of 5045 Brecksville Road from C-2 (General Business) to I (Industrial). Council will have a public hearing on May 1 at 6:30 p.m.

MAYOR'S REPORT

Beshara said the Revere school board has renamed Hillcrest Elementary School. It will be known as Richfield Elementary School in the fall.

The ad for a new Service Director has more than 300 views. The deadline is April 6.

The mayor asked Council to confirm her appointment of Thomas "Bart" Randolph as a part-time patrolman. He will replace an officer who will retire next month.

MOTION: TO APPROVE THE MAYOR'S APPOINTMENT OF THOMAS "BART" RANDOLPH AS A PART-TIME PATROLMAN.

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

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

Report:

In November 2017, the Village cable provider required that all televisions have a



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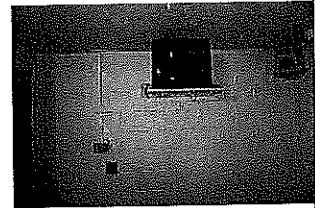
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digital cable box to receive television service.

The police department is required to provide recreational/leisure services to inmates housed in the jail facility. One of the leisure activities provided is television programming.

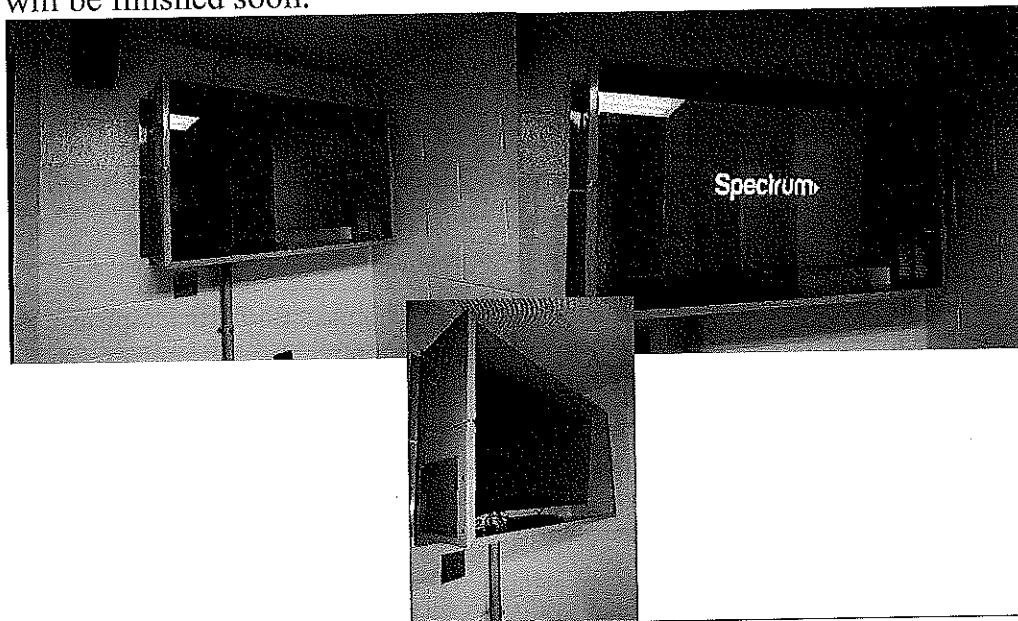
In addition, the police department must provide a safe working environment for inmates and staff. We are subject to annual inspection by the State of Ohio to ensure that safety standards are being met or exceeded.

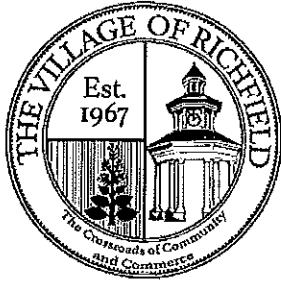
When the new police department was built in 2001-2002, the jail facility was included. Televisions were secured to a shelf in Dayroom A and Dayroom B so that they couldn't be easily moved.



The existing televisions are not compatible with the digital cable boxes provided, so new televisions had to be purchased. Televisions are much larger but also much lighter, causing a problem for secure mounting. Two television enclosures were purchased from a correctional institution supply company.

The department would like to thank Randy Shero from the Service Department for the expert installation. One Dayroom has been completed at this writing. The other will be finished soon.





Chief McLean – Fire

The mandatory tornado drill is scheduled for tomorrow at 9:50 a.m., as the National Weather Service has declared this to be Spring Weather Awareness Week.

- We have received our new Self Contained Breathing Apparatus. These units were ordered with several other fire departments as a mass purchase at the end of 2017. We are currently putting all the members through an operational class and an agility test with the new air packs. The old packs have one more year of service left. I am investigating the possibility of selling them.
- This past week, Fire Medic Kevin Urban conducted tornado classes at Hillcrest School with the Safety Trailer. He did 30 classes, and over 500 students and teachers participated.
- The testing of the tornado siren at Richfield Woods will start on Saturday, April 7, at noon. The activation will be done by Richfield and Bath for both the High School siren and the Richfield Woods siren. Each community has the ability to set off both sirens.
- We are hosting a Turnpike meeting in regards to mutual aid response for fire and rescues. This meeting will bring 17 communities together that respond on the turnpike so we can effectively handle turnpike emergencies.
- On 3-14 we responded to an overturned truck on the turnpike that blocked traffic for over 3 hours in the eastbound lane. We worked with Valley Fire, as we could not get our apparatus around the involved truck. The driver had very minor injuries.
- We completed a zoning template guide related to Fire Department requirements when considering new commercial construction. This can be given out by our zoning department or the Fire Department as we work through the construction process of a commercial building.



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Director Jocek - Parks and Recreation

Jocek said snow is in the forecast for Saturday's Easter Egg Hunt.

Report:

- Program Reminder:

Easter Egg Hunt: Saturday, March 24, 2018 11 am Town Hall Pavilion

Easter Egg Dyeing: Saturday, March 24, 2018 1 pm Masonic Hall

The ART Show: Saturday, April 14, 2018 10 am – 4 pm Masonic Hall

Project Pride, Clean Up Richfield: Saturday, April 21, 2018 9 am – Noon

5th Anniversary of the Story Walk/Carter/Pedigo Tr. Sat., April 21, 10:30 am

Arbor Day/Tree Giveaway: Saturday, April 28, 2018, Town Hall Pavilion 9 am

- On Saturday, April 21, 2018 for Community Project Pride, please spread the word that we are offering paper shredding and computer recycling from 9 am – Noon. Also, if you bring your trash bag back to the Town Hall Dumpster, residents will receive a free Akron Zoo ticket.
- Each day we continue to grow our fitness memberships. We are still working on getting the contract for the Silver Sneaker program and hopefully it will be in place next week.



ultimately review and approval by Village Council.

- 2) The Kinross Lakes road extension project is nearly complete and the project is within budget and planned to finish under budget, even with the water line extension approved by Council in late 2017. However, an increase to the fiscal appropriation for the project is necessary. I have attached a memorandum to this report providing more details regarding the request.
- 3) We received 11 responses for the Fairview Cemetery expansion project. The 11 bids are as follows:
 - a. Cavanaugh Construction \$229,900.00;
 - b. SiteTech Inc. \$249,747.00;
 - c. Karvo Paving Co. \$272,541.25;
 - d. R.J. Platten \$294,456.59;
 - e. Fabrizi Trucking \$295,612.00;
 - f. Woodford Excavating \$300,156.50;
 - g. Lockhart Construction \$347,492.00;
 - h. Severino Excavating \$349,000.00;
 - i. Medina Excavating \$377,334.75;
 - j. S.E.T. Inc. \$426,000.00; and
 - k. Engelke Construction \$472,065.00

Considering these bids, I am recommending Council authorize my office to award the contract to Cavanaugh Construction by suspending the required three readings and adopting the applicable resolution. As a reminder, this project is the expansion of the Fairview Cemetery by clearing slightly less than three acres of land and pinning the site to create approximately 410 in-ground burial sites. The project should be completed within 90 days of commencement.

- 4) Based on direction from Council, I spoke with GPD's Architect regarding the ramp project for Old Town Hall. They have examined the potential to utilize a power lift adjacent the steps in front of the building facing Broadview and determined it is very practical and potentially significantly less in cost than the previous alternatives. GPD can prepare an illustrative rendering for approximately \$500 to give Council an idea of how the lift will look in front of the building and how it can be screened from view. Given



Director Frantz – Planning & Zoning and Service

Frantz talked about the architect's upcoming drawing of the new wheelchair lift in the front of Old Town Hall. He took Healey's suggestion to have the architect also draw the building with the lift on the south side of the building.

He also talked about Cleveland Water officials coming to discuss the water tower on April 17. Council could refer the location to the Planning and Zoning Commission, which could make its recommendation one week later. Council could vote on the issue on May 1, but the PZC has 60 days to make its decision. Lanford said the public should be notified and invited. Hanna said Council could give the PZC a different time limit than 60 days. Lyons suggested the May 15 meeting for Council to consider the location, and Frantz said he would invite the Cleveland water officials to that meeting as well. The administration will notify the public of the May 15 meeting where Cleveland water will also be available for them to ask questions.

Report:

- 1) At their meeting held on March 13th, the Planning Commission took the following actions:
 - a. recommended approval of a rezoning request to change the property located at 5145 Brecksville Road from C-2 General Business to I-Industrial District; and
 - b. approved a request by Cozumel Mexican Restaurant to replace two signs on the property located at 4880 Brecksville Road.

The Planning Commission also held a presubmission conference to discuss construction of an automated car wash located on parcel #5001867 (the former putt-putt site), directly north of the Subway building.

Finally, the Commission discussed a private interest to acquire 3401 Brecksville Road (the former drive-in movie theater) and develop the property for an outdoor sports complex (e.g., soccer, baseball, etc.). The purpose of the Commission's discussion was to determine if private recreational uses are appropriate in the Office and Limited Industrial Zoning District. The Commission intends to continue discussing this matter at a future meeting.

At their upcoming meeting, the Planning Commission will be discussing temporary signs. Specifically, they will be examining the duration of temporary signs and related regulations. Any action of the Commission may require an amendment to the Code and



this, I am asking for Council's input and direction.

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 cremain burial plots

- Veteran \$225.00
- Resident \$300.00
- Non-Resident \$360.000

Recommendations/Considerations: None

Legislation: Kinross Lakes South Road Dedication (1st reading); Appropriation of Funds Related to the Kinross Road Extension Project (requested suspension of 2nd and 3rd readings and adoption) and; the Fairview Cemetery Expansion Contract with Cavanaugh Construction (requested suspension of 2nd and 3rd readings and adoption)

Director Turk – Finance

Report:

Income Tax

In relation to the income tax litigation, Frost Brown filed a Notice of Appeal and Motion to Stay on February 27, 2018. The appellate court will review the trial court's decision de novo – taking a new look at the legal issues, without deference to the trial court's conclusions.

March 1st was the last day to opt-in to the State's centralized collection system, and the Ohio Society of CPAs put out daily notices relaying this information. Forty-five companies have opted into the State's system. The majority of these have been smaller companies that have employees working in multiple communities on a temporary basis, and these companies did not generate a significant amount of income. The State charges a half percent to collect these funds.

2016/2017 Audit

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



Lease/Uber Options for Senior Ford Transit

Ford Credit has a State approved Municipal Finance Program. To lease/purchase a 2018 Ford Transit Wagon with a purchase price of \$30,276.11, the payment amounts are listed below for a 3, 4, and 5-year lease option with then buying the vehicle at the end of the lease for \$1. They indicated that municipalities can only enter into lease purchase agreements and not just lease agreements. I've asked Bill Hanna to verify this.

<u># Years</u>	<u>APR</u>	<u>Annual Payment</u>
3	6.5%	\$10,927.04
4	6.45%	\$ 8,442.03
5	6.45%	\$ 6,957.83

The above prices do not include gas, maintenance, insurance costs, etc.

To Uber, a ride for 8 people from the Senior Center to Red Lobster in Montrose would cost \$64 (utilizing 2 vehicles) and that includes the tip. If 6 people go, then only 1 vehicle is needed, so it would be \$32. Uber prices vary based on demand, so worst-case scenario say it costs \$100 per trip. If they make one trip a week, with 8 people each trip assuming the \$100 trip cost, that equates to \$5,200 a year with no added costs. At \$64 a trip, that equates to \$3,328 annually.

Recommendations/Considerations:

Consideration of adopting the following three resolutions. Resolution to amend Resolution No. 49-2017 to increase the not to exceed electricity amount to \$0.05 per kilowatt hour; Resolution to appropriate monies for the Cavanaugh contract; Resolution for a Then and Now Certificate for Cavanaugh for the Kinross Wheatley Road project. All three are submitted for first reading, consideration of suspension of the other readings, and consideration for adoption. The current electric agreement expires April 1, and we'd like to finalize the agreement before month's end. The remaining two resolutions deal with services that have been rendered, and adoption will ensure that obligations can be met in a timely manner.

Legislation:

- A. ***Resolution No. 22-2018 A RESOLUTION TO AMEND RESOLUTION NO. 49-2017 AUTHORIZING ENTERING INTO AN AGREEMENT FOR THE SUPPLY OF GENERATED ELECTRICITY FOR SPECIFIED MUNICIPAL ACCOUNTS BY INCREASING THE NOT TO EXCEED AMOUNT TO \$0.05 (FIVE CENTS) PER KILOWATT HOUR AND DECLARING AN EMERGENCY.***

This is a request to amend Resolution No. 49-2017 that authorized entering into an agreement for electricity for the Safety Building and street lights by increasing the not to exceed amount to \$0.05 (five cents) per kilowatt hour. Resolution 49-2017, authorized a contract for electricity supply with the lowest and best offer for the Village at a rate which was not to exceed \$0.047 (four and seven tenths cents) per kilowatt hour for a term not to exceed 44 months beginning in April 2018. The current three-year agreement that



expires in April had a rate of \$0.06102 cents per kilowatt hour. The latest quotes ranged from 4.980 cents for a 12-month contract term to 4.630 cents for a 36-month contract term. With the addition of eleven gas fired power plants expected to come on line in 24 months, North Shore Energy Consulting is advising not enter into agreements longer than 18 months since electric rates are forecasted to decline due to the increased supply. Hence, we would like to enter into either a 12-month or 18-month contract but the authorized not to exceed rate needs to be increased. With the latest quoted rates, we should see annual savings in our electric bills of approximately \$10,700 to \$12,300. All other sections of the original resolution remain the same.

If possible, I respectfully ask that the second and third readings be suspended and approval of the resolution be granted at the March 20th meeting. Our current agreement expires at the end of the month and electric price quotes are only good for a couple of days and then they have to be re-quoted.

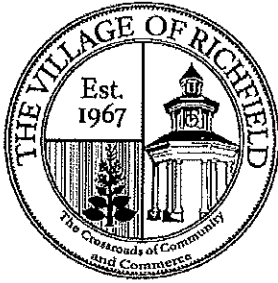
B. Resolution No. 23-2018 A RESOLUTION TO INCREASE THE APPROPRIATION TO COVER THE CAVANAUGH CONTRACT FOR THE KINROSS WHEATLEY ROAD PROJECT AND DECLARING AN EMERGENCY

Brian Frantz is to provide the detailed write up for this resolution. This resolution is submitted for first reading and consideration of suspension of second and third readings, and consideration for adoption at the March 20 Council meeting since the Cavanaugh contract has already been approved and work has begun on the project. The original appropriation requested for the construction contract was for \$525,950. The actual construction contract with Cavanaugh was approved by Council at \$668,400, but the additional appropriation required for the higher amount was not sought at that time. Thus, an additional \$142,000 is needed to cover the Cavanaugh contract for the Kinross Wheatley Road project. The next resolution is related to this resolution.

C. Resolution No. 24-2018 TO AUTHORIZE A WARRANT FOR PAYMENT BASED ON A THEN AND NOW CERTIFICATE

Brain Frantz is to provide the detailed write up for this resolution. This resolution is submitted for first reading and consideration of suspension of second and third readings, and consideration for adoption at the March 20, 2018 Council meeting. Adoption is respectfully requested since this certification is for Cavanaugh services rendered prior to March and received on March 2, 2018 to pay. A purchase requisition was processed but was short by approximately \$17,000 since the bill was for \$98,000. The certificate is for Cavanaugh related to the Kinross Wheatley Road project.

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



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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.

Law Director Hanna

No report.

COMMITTEE REPORTS:

Domanick said the Easter Egg Hunt will take place on Saturday at 11 a.m., followed by the egg dyeing at Masonic Hall. Also, Richfield will host the Tree City USA event in 2020.

Hudak said the Community Day parade will move back to Friday after taking place on Sunday last year.

Healey said the Richfield Joint Recreation District will have a total of five meetings in March. Wheeler added that the RJRD gave a five-hour program on the history of the park.

CAUCUS (See discussion under legislative items)

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY: None.

ORDINANCES AND RESOLUTIONS

First Readings:

RESOLUTION 22-2018

Offered by All of Council

A RESOLUTION TO AMEND RESOLUTION NO. 49-2017 AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT FOR THE SUPPLY OF GENERATED ELECTRICITY FOR SPECIFIED MUNICIPAL ACCOUNTS BY INCREASING THE NOT TO EXCEED AMOUNT TO \$0.05 (FIVE CENTS) PER KILOWATT HOUR AND DECLARING AN EMERGENCY



MOTION: TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 22-2018.

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

MOTION: TO ADOPT RESOLUTION 22-2018.

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

RESOLUTION 23-2018

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, 2018 AND DECLARING AN EMERGENCY

CAUCUS DISCUSSION: Frantz said the Kinross Lakes Parkway extension project is within budget, even with an additional water line.

MOTION: TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 23-2018.

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

MOTION: TO ADOPT RESOLUTION 23-2018.

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

RESOLUTION 24-2018

Offered by All of Council

A RESOLUTION TO AUTHORIZE WARRANT FOR PAYMENT BASED ON THEN AND NOW CERTIFICATE FOR PURCHASES, AND DECLARING AN EMERGENCY

MOTION: TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 24-2018.

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

MOTION: TO ADOPT RESOLUTION 24-2018.

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

ORDINANCE 25-2018

Offered by All of Council

AN ORDINANCE ACCEPTING THE DEDICATION OF A PUBLIC STREET TO WIT: KINROSS LAKES PARKWAY EXTENSION AND DECLARING AN EMERGENCY

RESOLUTION 26-2018

Offered by All of Council

A RESOLUTION ACCEPTING THE BID OF CAVANAUGH BUILDING CORPORATION FOR FAIRVIEW CEMETERY EXPANSION PROJECT AND DECLARING AN EMERGENCY



CAUCUS DISCUSSION: Frantz said Cavanaugh should get started within 30 days and should complete the project in 60 to 90 days. The company will also do additional seeding in the fall at no extra charge. Hudak said he was amazed at the differences in the dollar amount of the bids.

MOTION: TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 26-2018.

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

MOTION: TO ADOPT RESOLUTION 26-2018.

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

Second Readings: None.

Third 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

MOTION: TO TABLE RESOLUTION 21-2018.

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

ORDINANCE 66-2017

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

CAUCUS DISCUSSION: A public hearing is scheduled for April 17 at 6:30 p.m.

UNFINISHED BUSINESS: Mayor Beshara asked for an executive session tonight.

NEW BUSINESS: None.

COMMENTS FROM THE FLOOR:

Bonnie Watson of Burrwood Drive said a water main broke at the end of her property, and the road is caving in. Beshara noted that Watson lives in Richfield Township. Frantz said he would make a phone call to help her.

WORK SESSION: The next work session is scheduled for April 12 at 6:30 p.m. Topics will include:

- Elevator for Richfield Historical Society building
- Cemetery fees



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- Landscaping for new signs
- Senior Center vehicle
- Work-hour ordinance
- Yellow Creek Watershed (Hanna will file Richfield's objection this week.)

MOTION : TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE DISMISSAL, DISCIPLINE, EMPLOYMENT OR COMPENSATION OF A PUBLIC OFFICIAL .

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

Executive session began at 7:20 p.m. and lasted until 7:36 p.m.

MOTION : TO APPROVE A SEPARATION AGREEMENT WITH PAUL ALDRICH.

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

Hudak said he would no longer ask before executive session if Council plans to take action. He said it limits what Council can do, and he won't ask without a compelling reason.

Lyons adjourned the meeting at 7:40 p.m.

Respectfully Submitted:

Jeff Gorman
Clerk of Council

Mike Lyons
Council President

