

4410 W. Streetsboro Rd. • Richfield, OH 44286-0387
Office: 330.659.9201 • www.richfieldvillageohio.org

**RICHFIELD VILLAGE COUNCIL
REGULAR MEETING MINUTES**

**TUESDAY, OCTOBER 2, 2018
6:30 p.m.**

ROLL CALL: Domanick, Hudak, Kahoe, Lanford, Lyons and Wheeler. **ABSENT:** Healey.
OTHERS PRESENT: Mayor Beshara, Police Chief Morgan, Fire Chief McLean, Service Director Papp, Parks and Recreation Director Jocek, Finance Director Turk and Law Director Hanna. **ABSENT:** Planning & Zoning Director Frantz.

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES OF THE SEPTEMBER 18, 2018
REGULAR MEETING, AS AMENDED.

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

COMMUNICATIONS AND PETITIONS: None.

MAYOR'S REPORT:

Beshara read a proclamation congratulating the Richfield United Church of Christ for its 200th anniversary. She gave the proclamation to the Rev. John King. The church began in 1818 with a dozen settlers. It has stood for social justice and was an active part of the Underground Railroad.

Beshara introduced Cory Kendrick from Summit County Health for a presentation on the tobacco 21 initiative. This would raise the age for tobacco sales from 18 to 21 in the village of Richfield, while providing resources for enforcement and compliance for retailers.

Kendrick said 90 percent of new smokers are under the age of 21, and the change would move smoking outside the social circle of middle school and high school students.

He added that e-cigarettes also have cancer-causing chemicals. Revere High School principal King said that vaping is the school's largest disciplinary issue.

King asked about students who need to use inhalers. Kendrick said the legislation would apply to vaping devices that look like inhalers. King said all students who take medication must have a prescription from their doctors.

King asked why this initiative was not taking place at the state level. He said it would be difficult to move, as it was not a priority at that level. Wheeler asked if any Richfield businesses would be affected. Domanick said five, and Kendrick said there could be more.



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Domanick said he liked the idea of keeping tobacco further away from younger kids. Kendrick said there were no plans for a criminal component, as that would not be as effective as cutting off retail sales.

Continuing her report, Beshara talked about the Inn at Apple Ridge ribbon cutting. The parent company thanked McLean and said the Richfield Fire Department is one of the best it has encountered.

Beshara asked for an executive session at the end of the meeting, regarding land acquisition.

DEPARTMENT HEAD REPORTS:

Chief Morgan – Police

- Calls for September: Village 1023, Township 184.
- Congratulations to the jail staff for achieving 100 percent compliance with all 104 standards.

Chief McLean – Fire

Calls for the month of September: Village Fire 10, Village EMS 41, Township Fire 3, Township EMS 20, Mutual Aid 12. Total: 106.

The department will work on hydrant flushing and painting.

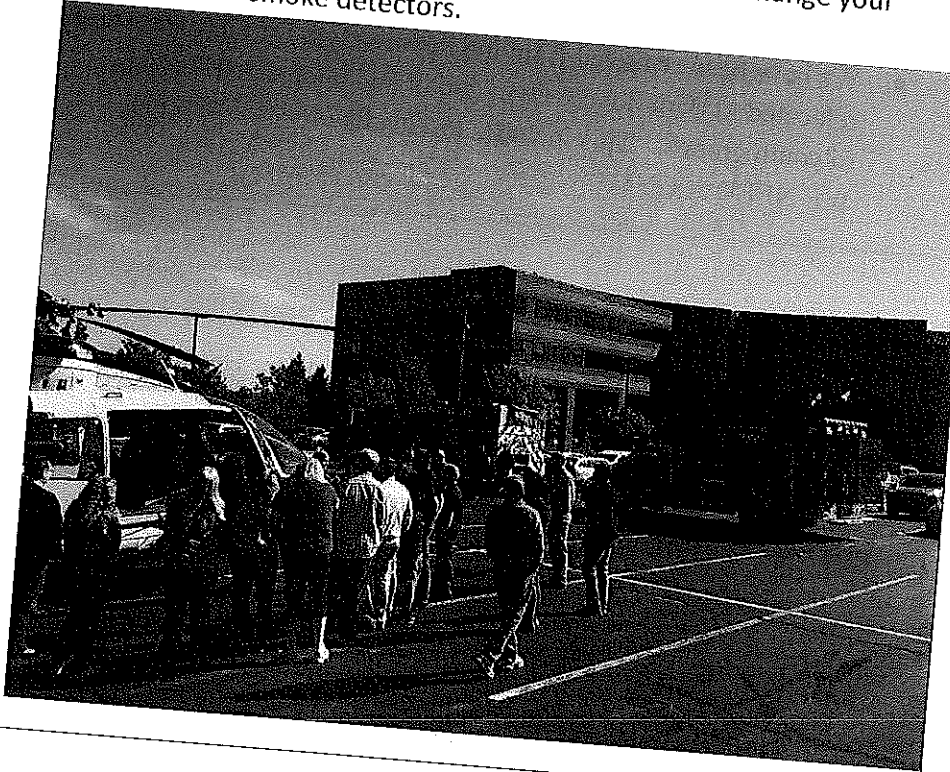
Report:

- We completed our yearly ladder compliance testing; all the ground ladders passed.
- We have had continued discussion with The Ohio Fire Chiefs on the details of the strategic plan for the Fire Department and when an overview may be conducted for the Safety Committee and Council.
- Two members attended an extrication training class in Wayne County.
- Lt. Ellis attended a NIMS Task Force Leader class related to managing large incidents.
- Fire Medic Cody Bennett will be starting a Fire Instructor Class in October, conducted at Akron Fire.
- I am working with the Mayor and Finance Director on the 2019 budget.



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- We participated with Metro Life Flight at Charles Schwab at their annual Safety Day on Friday September 28.
- We will be recognizing Breast Cancer Awareness month by wearing duty T-shirts, promoting this for the month of October.
- October is also Fire Prevention Month; don't forget to change your batteries in all smoke detectors.



Director Jocek - Parks and Recreation

Report:

- We have started to plan for the return of the Haunted Rec, which will be held on Thursday, Friday and Saturday, October 25, 26 and 27. We have been getting a great turnout from the local students who would like to volunteer and construct for the Haunted Rec.



- The season is coming to an end for the community garden, and some gardeners are planting late fall items or prepping for next year's garden. It is a great program that we have at the Eastwood Preserve.
- The budget process has started, and I am working with the Mayor to construct a conservative budget for Parks and Rec.
- We have been removed from the Revere Gym for our men's basketball program and relocated to Bath School Gym (small and undersized) because they are giving first use to youth groups. This includes groups like Revere Baseball indoor winter practice.
WE NEED A GYM!

Director Papp – Service

The Humphrey Road culvert project is almost complete. The Fairview cemetery project is on hold due to the wet weather. Paving work is underway.

Papp also asked Council for approval of the design and layout for the lights at the Fellowship Hall parking lot.

Report:

- 1) Highways
 - a. Ongoing brush pick-up
 - b. Preparation and excavation for burials
 - c. Berm restoration
 - d. Asphalt repairs in Forestridge & Motor
 - e. House Demolition (4084 Wheatley)
 - f. Fall Fest preparation
 - g. Brush hogging easements
- 2) Grounds
 - a. Ongoing mowing, trimming and weeding of properties
 - b. Kinross Clean-up
 - c. Tree removals
- 3) Utilities
 - a. Pump station No. 3 wet well cleaning
 - b. Pump station No. 5 pump replacement
 - c. All 2018 sewer jetting and videotaping complete



- d. Humphrey Road Culvert and Fairview Expansion inspection
- 4) Vehicles & Properties
 - a. Ongoing fleet maintenance
 - b. Carpet cleaning
 - c. New outfitting of Fire and Police vehicles
 - d. Traffic signal maintenance
 - e. Paint work on Truck #7
- 5) Service Administration & Engineering
 - a. Residential & commercial site plan reviews
 - b. Resident complaint resolution
 - c. Humphrey Road Culvert & Fairview Cemetery Expansion construction management
 - d. Asphalt paving construction management
 - e. Public Works Committee Meeting
 - f. Briarwood presentation preparation
 - g. Cleveland Water agreement negotiations
 - h. New Maintenance Technician interviews
 - i. 2019 Budget

Director Frantz – Planning & Zoning

Report:

- 1) At their meeting held on September 25th, the Planning Commission took the following actions:
 - a. Gave final plan approval [subject to Law Director approval] for site improvement plans for Sensible Products, located at 3857 Brecksville Road. Improvements include two building additions, façade renovations, and parking modifications;
 - b. Gave final plan approval [subject to administrative review of landscaping plans] for site improvement plans for Richfield Elementary School, located at 3080 N. Revere Road. Improvements consist of a new 35-space parking lot.
- 2) McDonald's, located at 3921 Wheatley Road, received Planning Commission approval for site plan improvements at the August 28th meeting. The applicant was seeking a variance with the Board of Zoning Appeals to permit a third building sign; however, they have since revised their signage plans and are now in compliance with the Code. Given this, a variance is no longer needed and the revised signage plan was approved. The façade renovation project should begin in the next 30-60 days.
- 3) Former applicant, David Clay of 4025 Broadview Road, received final site plan approval for a construction project at the January 9th Planning Commission meeting. Mr. Clay has since



- revised and scaled down the construction project (an addition to the main home) and as such, the project should be under construction soon.
- 4) At the last meeting, Councilman Wheeler indicated that he has been working with the Administration to advance the Village Green parking lot lighting project. In connection with that project, I am attaching the light poles reviewed by Planning Commission for your consideration. If Council finds these poles and this plan acceptable, I will work with the Service Director to complete the project during 2018.
 - 5) Contracts for Kaczmar Architects, Rob Morgan, and Guide Studios related to the “drill-down” of the Crossroads District Plan are under review with the Law Director. As Council is aware, the 2018 Capital Budget allocates money for this project, so we hope to get this started in the next 30-45 days. Given this, we will prepare legislation for an upcoming meeting for Council’s consideration.
 - 6) The property maintenance enforcement for 2459 Donna Drive was escalated to Summit County Health Department in August and subsequently referred to Summit County Landbank for demolition. This month, Summit County officials spoke to the property owner and confirmed they’re not able to make the necessary improvements to bring the property to Code. To address this issue, the owner has offered to donate the property to expedite/assist with the demolition. Discussions on the next steps are underway with Landbank, Summit County Health and our office. We will keep Council apprised as this matter moves forward.
 - 7) We conducted a follow-up meeting on September 21st with Richfield Family Restaurant property owners and a representative of the demolition company they have secured to abate the property nuisances. The building was tested and found positive for asbestos, so abatement/final testing will need to be completed prior to demolition. Demolition is on track to be completed within the next four to six weeks.
 - 8) The environmental assessment is being finalized for the Wierzbicki purchase, and the review for the Heinle purchase is well underway. We will keep Council apprised of the key steps in both acquisitions as they become available.
 - 9) We have been meeting with representatives from DLZ, the engineering firm hired by Cleveland Water to design the infrastructure needed for the water tower. DLZ hopes to finalize their work before the end of 2018 so the project can stay on task and be completed by the end of 2020. We will keep Council up-to-date as the project continues to advance through the site design process.



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Director Turk – Finance

Report:

Income Tax

September's to-date income tax collections are up 37.9%, or \$323,288 higher than last September. Year-to-date receipts are 13.2% higher than 2017. We did receive a one-time withholding payment of \$203,529 from a company outside of our top 12 companies that is not anticipated to be repeated in the future. A separate memo will be sent out next week with the final numbers and more information on the collections.

2019 Budget

The Mayor and Finance Director are meeting with the department heads to go over their 2019 recommended budgets. The departmental recommended budgets will be distributed to Council prior to the October 11th work session if it is on the agenda. The Service Director is meeting with the department heads and is working on pulling together the capital budget requests. The goal is to prepare the budget highlights by the end of October to present the Mayor's recommended budget to Council in November. The 2019 Mayor's Recommended Budget is a work in progress and discussions on the budget can take place up until it is adopted in December.

Recommendations/Considerations:

The third piece of legislation below is an appropriation and transfer resolution related to the replacement of the 911 call handling equipment that Chief Morgan referenced at the last Council meeting. Since the system is not being supported any longer, the Chief would like to replace the equipment as soon as possible. Hence, the request for Council to consider suspension of readings and consideration of adoption.

Legislation:

Resolution No. 72-2018 Accepting the Amounts and Rates as Determined by the Budget Commission and authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

This resolution is submitted for second reading only. This is an annual request that accepts the amounts and tax rates as determined by the County Budget Commission and authorizes the necessary tax levies and certifies them to the Summit County Fiscal Officer. Political subdivisions of the State must provide approved resolutions to the County Fiscal Officer by



November 5, 2018 per Ohio Revised Code Sections 5705.34 and 5705.27 regarding the above. The amounts are for tax year 2018 and the collection year 2019. The values provided on the certificate are the current rates, and a revised certificate will be sent next year on or about February 2019, which will include the updated 2018 tax year/2019 collection year valuations and tax rates. The amounts are calculated by the Budget Commission based on Ad Valorem Property Taxes based on assessed valuations and are inside the 10-mill limitation set by the Ohio Revised Code. The briefing memo contains a history of the assessed valuation and total collections.

Resolution No. 77-2018 Authorizing the Expenditure of \$950 for a Holiday Party

This resolution is submitted for first reading only. This is to authorize the expenditure of \$950 for a holiday party for the employees and administrative officials. Adoption would be considered at the November 6th Council meeting after the third reading. Last year's authorization was for \$900 and the party was catered and held in the Senior Center. This is a request for a \$50 (5.5%) increase. The authorization has been \$900 since 2012. This year's party will be held on Wednesday, December 12th at the Senior Center.

Resolution No. 78-2018 Authorizing Appropriations and Transfer for the Replacement of the 911 Call Handling Equipment and Declaring an Emergency

An appropriation and cash transfer resolution is being submitted, if possible, for first reading, suspension of second and third readings and approval of the resolution. The resolution appropriates the "911 Wireless" monies (\$44,237.21) accumulated over the years out of the Capital Improvement Fund to pay for the 911 call handling equipment in use in the dispatch center that is eleven years. In addition, there is a request to appropriate and then transfer the cash out of the General Fund into Capital Improvement Fund for the same amount.

The Chief discussed this purchase in the last Council meeting. The system costs \$100,863.51. The Chief is foregoing the purchase of acoustic floor covering for the jail (\$21,500) and new carpeting in the police station (\$26,500) since the system may be failing and is no longer being supported. The remaining \$11,626.30 will come from capital project purchases that have been completed with appropriations left over. Since the system is not being supported any longer, the Chief would like to replace the equipment as soon as possible. Hence, the need for the appropriation and cash transfer resolution and the request to suspend the readings if possible. Overall appropriations are being increased by \$88,474.42.



Law Director Hanna

The FCC has enacted new federal regulations regarding the small-cell antennae in the public right of way. The regulations have not gone into effect yet, as one city is challenging them in court. Without a stay, the regulations would go into effect in 60 to 90 days.

COMMITTEE REPORTS

Domanick said the Broadview Heights Rec Center will have an open house on Oct. 27 from 10 a.m. to 1 p.m. He said the Tree and Landscape Commission is considering an "Adopt a Spot" program, which is currently used in Green, Stow and Cuyahoga Falls.

Hudak said he would not attend the Oct. 11 work session or the Nov. 6 meeting, but he will be at the Oct. 16 meeting.

Wheeler said the Planning and Zoning Commission approved the Sensible Products construction remodeling and the parking and landscaping for the Richfield Elementary School.

MOTION: TO APPROVE OPTION DSAP25 FOR THE DESIGN AND LAYOUT OF THE FELLOWSHIP HALL PARKING LOT LIGHTING.

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

CAUCUS

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY: None.

ORDINANCES AND RESOLUTIONS

First Readings:

RESOLUTION 77-2018

Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR TO EXPEND FUNDS FOR A HOLIDAY PARTY FOR THE EMPLOYEES OF THE VILLAGE OF RICHFIELD AND DECLARING AN EMERGENCY

RESOLUTION 78-2018

Offered by All of Council

A RESOLUTION TO MAKE APPROPRIATIONS AND CASH TRANSFER 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

MOTION: TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 78-2018.

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

MOTION: TO ADOPT RESOLUTION 78-2018.

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



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RESOLUTION 79-2018

Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PURCHASE A NEXT GENERATION VESTA 9-1-1 ESSENTIAL CALL HANDLING SYSTEM WITH ON-SITE SUPPORT FOR THE POLICE DEPARTMENT FROM MOTOROLA SOLUTIONS, INC., AND DECLARING AN EMERGENCY MOTION: TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 79-2018.

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

MOTION: TO ADOPT RESOLUTION 79-2018.

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

Second Readings:

RESOLUTION 72-2018

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

ORDINANCE 74-2018

Offered by All of Council

AN ORDINANCE TO AMEND ORDINANCE NO. 54-2018 TO ADOPT A SCHEDULE OF POSITIONS, SALARY RATES AND WAGES AND TO OTHERWISE FIX AND DETERMINE COMPENSATION FOR PERSONNEL OF THE VILLAGE OF RICHFIELD TO ADJUST THE DIRECTORS' AND CHIEFS' PAY RANGES, AND TO AMEND ANY OTHER ORDINANCES NOT CONSISTENT, AND DECLARING AN EMERGENCY

CAUCUS: Mayor Beshara requested that this legislation be tabled while she continues to review the salary structure for directors and chiefs..

MOTION: TO TABLE ORDINANCE 74-2018.

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

Third Readings:

ORDINANCE 44-2018 (as amended 7/17/2018)

Offered by Mr. Kahoe

AN ORDINANCE AMENDING SECTION 131.01 OF THE ADMINSTRATIVE CODE PROVIDING FOR THE COMPENSATION OF THE MAYOR FOR THE TERM COMMENCING JANUARY 1, 2020

ORDINANCE 68-2018

Offered by All of Council



AN ORDINANCE AMENDING/SUPPLEMENTING THE CODIFIED ORDINANCES OF THE VILLAGE OF RICHFIELD TO PROHIBIT THE SALE OF CIGARETTES, OTHER TOBACCO PRODUCTS, AND TOBACCO PRODUCT PARAPHERNALIA TO INDIVIDUALS UNDER THE AGE OF 21; AUTHORIZING A CONTRACT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT TO IMPLEMENT THESE PROVISIONS THROUGH REGULATIONS; AND DECLARING AN EMERGENCY

MOTION: TO AUTHORIZE THE LAW DIRECTOR TO MODIFY ORDINANCE 68-2018 AND APPEND IT TO INCLUDE THE AUTHORIZATION FOR SUMMIT COUNTY HEALTH TO ENFORCE IT IN THE VILLAGE.

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

MOTION: TO EXTEND THE TIME LIMIT OF ORDINANCES 16-2016, 17-2016 AND 65-2017 ON THE INACTIVE AGENDA UNTIL APRIL 17, 2019.

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

UNFINISHED BUSINESS:

Beshara met with Turk and the other department heads regarding the 2019 budget. Papp is working on the capital items, and a discussion can take place at the Oct. 11 work session.

Lyons said a discussion of the village employees' exchange-time program can also take place at the work session. The discussion continued from the last meeting about whether the issue of compensation for several village employees should take place in executive session. Hudak said more than one attorney said it was okay at the last meeting. Kahoe said he completely disagreed.

Wheeler discussed a letter from Kahoe's attorney to Beshara, dated Sept. 21, regarding the exchange time policy (see attached). Wheeler called the letter "crass, presumptuous, accusatory, inaccurate and inappropriate." He said council had already requested information on this topic three days earlier.

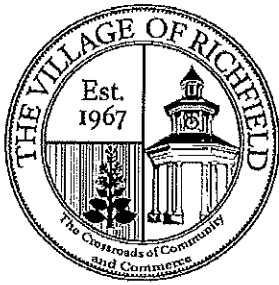
Kahoe responded that it was just a cease-and-desist letter. He said the program should be stopped while Council examined the data. He said Council's request was open-ended, so he specified the information he wanted to see.

NEW BUSINESS

Lanford said Council should discontinue the practice of not discussing an issue because a Council member is absent. Lyons said there could be variability on certain issues, but that Council could try to find a balance.

COMMENTS FROM THE FLOOR

Sue Serdinak of the Richfield Times said the last time Council discussed exchange time, she was not allowed to hear about it because the discussion took place in executive session. Lyons said there is a question of whether exchange time should even count as compensation.



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WORK SESSION: Topics for the Oct. 11 work session include the 2019 budget, Briarwood sewers, village exempt employees' exchange time, and law director hours and compensation. The ramp for the Historical Society building will be discussed at the Oct. 16 work session.

MOTION: TO GO INTO EXECUTIVE SESSION TO DISCUSS PURCHASE OF PROPERTY PURCHASE OR SALE OF PUBLIC PROPERTY.

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

Executive session began at 7:48 p.m. Lyons adjourned the meeting at 8:14 p.m.

Respectfully Submitted:

Jeff Gorman
Clerk of Council

Mike Lyons
Council President