



**RICHFIELD VILLAGE COUNCIL
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 1, 2020
7:30 p.m.
(Meeting conducted via Zoom)**

Note: The meeting was delayed by one hour due to the ribbon-cutting at the new Revere High School.

ROLL CALL: Beshara, Boester, Domanick, Lyons, Philippbar, Stoppenhagen and Waszak.

OTHERS PRESENT: Mayor Wheeler, Police Chief Swanson, Fire Chief McLean, Finance Director Turk, Planning and Zoning Director Frantz, Service Director Papp and Law Director Cortes.

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES OF THE JULY 7, 2020 INSURNACE COMMITTEE MEETING.

Moved by Philippbar, seconded by Domanick. Upon roll call, motion passed unanimously (Boester, Domanick, Philippbar).

MOTION: TO APPROVE THE MINUTES OF THE AUG. 18, 2020 REGULAR MEETING, AS CORRECTED.

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

MOTION: TO APPROVE THE MINUTES OF THE AUG. 19, 2020 BUILDINGS AND GROUNDS COMMITTEE MEETING, AS CORRECTED.

Moved by Beshara, seconded by Waszak. Upon roll call, motion passed unanimously (Beshara, Stoppenhagen, Waszak).

COMMUNICATIONS AND PETITIONS: None.

MAYOR'S REPORT

Report:

- Have a very happy and safe Labor Day!
- The village has no new COVID-19 cases to report.
- I will make the State of the Village address tomorrow before the Richfield Chamber of Commerce.
- We are cleaning out the Recreation Center. Contract Laura Toth to claim your items.



- We received more than 200 response to the Police Department questionnaire and received some good information.
- We are replacing our ambulance after 8.5 years. Usually, they last seven years.
- The road paving program is set to complete all 15 streets by the end of September. We are under budget, so we may pave additional streets.
- Use playgrounds and basketball courts at your own discretion.
- We are opening the restrooms at Richfield Woods Park and will clean them twice a day.
- I would like an executive session at the end of the meeting to discuss the hiring, possible dismissal and compensation of public employees.

DEPARTMENT HEAD REPORTS:

Chief Swanson – Police

Calls for Service:

Township 218, Village 1,091

Report

Richfield Police Officer John Hetzel has been suspended following his arrest by the Ohio State Highway Patrol Wednesday night August 26 for operating a vehicle while under the influence, refusing to take a BAC test and having a weapon while under the influence.

Officer Hetzel was off duty when our officers responded to a call about a person sleeping in a vehicle in the parking lot of a Richfield business. It was reported they found him asleep in the driver's seat with the vehicle running.

Assistant Chief Fister and I were immediately advised of the situation and I requested the assistance of the Ohio State Highway Patrol (OSHP). OSHP Troopers responded to the scene and reported that Officer Hetzel then refused to take any tests and a loaded gun was found in his vehicle.

Besides the legal proceedings he now faces, Officer Hetzel will undergo a Richfield Police administrative review. Officer Hetzel received departmental discipline and had signed a "last chance agreement" following his arrest and



conviction for an impaired driving incident in 2018. Officer Hetzel pled not guilty to that charge and was subsequently found guilty. As part of that departmental discipline, Officer Hetzel was approved as fit for duty by a drug- and alcohol-certified medical expert.

Officer Hetzel's future with the Richfield Police will be determined by that administrative review.

School Resource Officer Dressler donated 637 pounds of food to the Akron-Canton Regional Food Bank. The Food Bank supplies many meals to hungry neighbors in need and support programs such as Harvest for Hunger and Hunger Free Families. This was surplus donated food from his food drive.

Our insurance carrier has reimbursed the village \$4,359 to offset the costs of our policy reform with Lexipol.

The first day of school for Revere students is Thursday September 3rd. I urge everyone to please pay attention to your driving habits as the buses and students begin going back to school.

I continue to receive a very good response from the residents with the questionnaire we sent out. A suggestion we will implement immediately are stop-and-talks by our officers on patrol. There were many requests for this, as our residents would like to get know our officers. Also, in the near future, I will also be posting photos and names of all our staff so the residents can put names with faces. There were many requests for this as well. There will be much more information and data will follow.

The blood drive, which was canceled due to the pandemic, will be rescheduled.

Chief McLean– Fire

Report:

- Calls for service: Village EMS 43, Village Fire 16, Township Fire 4, Township EMS 23, Total including mutual aid 86.



- Our apparatus will be in front of the building on Sept. 3 due to floor resurfacing.
- We need the cameras on our building repaired; this could appear in the capital budget for next year.
- We assisted RJRD twice with flushing their sewer system.
- Jared Winar resigned as a part-timer after seven years.
- Thanks to the Richfield Times for its story about our flag and driveway markers.
- We will have a dedication ceremony for our flag on the 19th anniversary of 9/11.

Recreation – Laura Toth (Interim Director)

Recreation Programs & Facilities:

Programs and use of the rentable indoor facilities and pavilions are closed; we may ease in re-openings with certain restrictions.

- **Park Restrooms-** we are reviewing and discussing the cleaning schedules of opening the Park's restrooms. Currently suggested cleaning every 2 hours or twice a day.
- **Pavilions-** continue to be closed unless there are 10 people or fewer, then the pavilion can be rented. Once the 10-person rule has been lifted or adjusted, we will redetermine.
- **Indoor Facilities-** remain closed. New information just received: For an event that is going to be catered, with a licensed caterer, the facility is rentable. The caterer has to stay on the premises, and facility capacity needs to be adjusted for social distancing rules.

Recreation Center Building:

A Public Notice has been created and posted August 18, 2020 giving individuals 30 days to pick up their personal property. The notice was posted in two positions on the website, main home page and the recreation page. Physical copies were posted in the Town Hall, Police Department, U.S. Post Office, Giant Eagle, Senior Center, and the Library. Some individuals have signed the property affidavit and picked up their items/property.

The part-time staff is continuing to work on the physical inventory at 3333 Brecksville Road. The staff is organizing the recreation items and moving them to the Johnson Barn. The



inventory items are being located and numbered for future use; then we can determine which items to repurpose or add to auction site. We will also be identifying shelving, tables, chairs, etc. to be moved to Johnson Barn for the future summer programs.

Recreation Center Agreement with Broadview Heights:

No new correspondence.

Broadview Heights Parks and Recreation Board's next meeting is in December.

Eastwood Barn Preservation:

No new correspondence.

No questions or comments have been received regarding the Section 106 application. A ruling is still expected by the end of August, 2020. This ruling is required **before** any work begins on the barn.

Director Papp – Service

Paving came in at a cost of \$380,000. He will put together estimates for a couple more streets and get back to Council.

Report:

The Service Department continues to respond to normal and emergent work activities. Administratively, we continue to complete permitting, plan review, sewer billing, cemetery requests and responding to calls and emails. The following are some of the highlights of the Service Department's activities over the past two weeks:

- The 2020 Asphalt Program started July 2nd and will continue through August/September. The contractor is giving notice in areas they will be working via door hangers and signage. The project is approximately 50% complete based on costs to date. Seven of the 15 streets have been paved. As the project continues, the summary below may vary in terms of progress:

Base Bid:

No.	Street	Status	% Complete
1	Congress Parkway	Complete except berm and restoration	95%
2	Swan Lake Drive	Complete except berm and restoration	95%
3	Berkley Road	Complete except berm and restoration	95%
4	Harold Drive	Complete except berm and restoration	95%
5	High Street	Complete except berm and restoration	95%
6	Timberwood Trail	Complete except berm and restoration	95%
7	Pine Lake Circle	Complete except berm and restoration	95%



8	Cascade Oaks Trail	Complete except berm and restoration	95%
9	Fairview Cemetery	Complete except berm and restoration	95%
10	Wheatley Road Ext	Complete except berm and restoration	95%

Alternates Bid:

1	Deer Creek Trail (E)	Milled, repaired, strip drain, Outstanding: level surface, striping, berm, restoration	25%
2	Deer Creek Trail (W)	Milled, repaired, strip drain, Outstanding: level surface, striping, berm, restoration	25%
3	Evergreen Drive	Completed except for striping and berm	95%
4	Red Doe Circle	Milled, repaired, strip drain, Outstanding: level surface, striping, berm, restoration	25%
5	White Tail Court	Milled, repaired, strip drain, Outstanding: level surface, striping, berm, restoration	25%

- Perrin is anticipating completion of all contract work by September 15 and working on any deficiency/punch list items through October 1.
- The Service Director will provide an update on the asphalt program budget at the Council meeting.
- The Service Department continues to work with the County to get crack sealing program issues resolved.
- The Service Department continues to work with the Fire Department to make sure safety protocols are current and PPEs for Service staff are available. Administration building and Service Department facilities "spray" decontamination occurs weekly at the end of the week. It is highly recommended that others are not present during this operation.
- The Service Department assisted Fire with fire bay clean out in preparation for new floor system.
- The Service Director received a proposal from Hasenstab/Thorson-Baker of \$16.4K to redo the engineering of Eastwood's barn.
- The Utility Division is diligently working on the new permanent backup power generation at pump station number 1. The Village has secured a permanent replacement generator. GPD sent quote requests for the site and utility work. We will be getting quotes in the coming weeks to return to Council for approval.
- The Vehicles and Properties Division has completed two of the three new police vehicles and continues to repair various equipment and vehicles.
- The Grounds Division continued work on fence line at 3921 Brecksville, cleaned up stumps, trimmed and mowed public properties.
- The Road Division worked on three burials, asphalt patching on Brecksville Road, culvert repairs, and brush pick-up.
- The Service Director attended an update meeting with Director Frantz regarding Summit County's ability to provide cohosting services for a future Village GIS.
- The Service Director started the process with department heads for developing the 2021 Capital Budget.



- The Service Director has been working on coordination for construction of the Columbia Road sanitary sewer extension.
- The Service Director attended a Building & Grounds Committee meeting, where 3333 Brecksville Road disposition and 3921 Brecksville Road Future Service facility were discussed.

Recommendations/Considerations:

- 1) Please consider the following items for a future workshop noted in priority order:
 - a. Recommendation to move forward with starting storm and sanitary update mapping on a GIS platform.
 - b. Sanitary Sewer System Overview Presentation

Director Frantz – Planning & Zoning

Report:

- 1) At their upcoming meeting on September 8th, the Planning Commission will review the following cases:
 - a. final plan approval to expand an existing assembly, servicing facility in the building at 3942 Brecksville Road (Columbus Equipment);
 - b. a variance request from Section 1179.15 of the Zoning Code to permit construction of a new service station in the riparian setback. The previously tabled preliminary plan to construct a new 4,290 square foot gas station (with a convenience store) located at the corner of Wheatley Road and Kinross Lakes Parkway remains tabled at the applicant's request due to their need to overcome the riparian limitations on the subject property; and
 - c. a grading permit request from the owner of 4219 High Street to approve an existing land disturbance greater than 5% pursuant to Section 1167.05 of the Planning and Zoning Code.
- 2) The Board of Zoning Appeals (BZA) will meet on September 23rd and decide a variance request to permit an existing pool (and raised platform) to be located approximately 4.5 feet into the required 25-foot side yard setback on the property located at 3236 Southern Road.
- 3) The Administration participated in a final meeting with Magistrate Kandi O'Connor regarding the Simic enforcement matter, and I am pleased to report that the case has been finalized to



the satisfaction of the Village. The property owner (Brush One LLC) complied with the final orders, and the property now is compliant with the Village's Property Maintenance Code.

- 4) Administration met with the Summit County Community and Economic Development Department to discuss the County's Geographic Information Systems (GIS) capabilities in connection with the storm sewer mapping project proposed by the Administration. It appears that the Village may be able to save some costs related to the GIS hosting fees by joining with the County's system. We anticipate a draft Agreement within a week or two and potentially presenting it to Council for consideration at a meeting in October.

Wheeler said he saw that Route 303 will be closed Sept. 8 to 11. McLEAn said the reason is that the county will repair the bank sliding into the roadway.

Director Turk – Finance

She received the contract from Summit County Law Director Deborah Matz to receive COVID-19 funds to be credited to the township's safety-forces contracts.

Report:

Update on Financials

Through August, we have collected \$16,850,280 of the \$29,021,467 budgeted for revenue, or 58.1% of the budget, below the expected rate of 66.6%, since we are just completing 8 months of the year. Even though some of our major revenues appear to be coming in weaker than last year, on the expenditure side, \$16,691,722 was expended overall by the Village through August, or 46.5% of the \$35,874,169 budgeted for expenditures. We will continue to closely monitor both revenue and expenditures.

Income Tax Collections

For August, we are up \$36,336, or 4.6% higher than August 2019. Year-to-date we are down \$237,267, or down by 3.4%. Net profits are down by \$159,809 (24%), and Withholding is down \$86,763 (1.4%). I will send out a separate memo next week with the final August numbers.

CARES Act Government Allocations



We received the County's Payroll Support Grant Program Application and Agreement for the \$103,816.85 received from the federal CARES Act allocations. These funds can be used to fund payroll and benefit costs associated with public safety employees deemed substantially dedicated to mitigating or responding to the COVID public health emergency. No more than 15% of the eligible expenses of the Police Officers and no more than 25% of the eligible expenses of Firemen, EMTs, Dispatchers, and Sanitarians can be allocated to the program funds. Eligible expenses cover payroll periods retroactive to March 1, 2020 through December 30, 2020. The County indicated that the same formulas could be used in the application of the \$162,798 from the Coronavirus Relief Program funds.

It was also announced that another \$175 million of federal coronavirus aid (Phase 3) will be released to Ohio's local governments. It was stated that communities can expect to receive approximately half of the amount that they received through the first distribution of \$350 million. From HB481, we received \$162,798, and from the County Payroll Program grant, we are allocated \$103,817.

Akron Prosecutor's Office Seeking Reimbursement for Services

We are in negotiations with the City of Akron's Prosecutor's office for past year charges for services rendered by the Prosecutor's Office in relation to certain criminal and traffic cases sent to Akron Muni Court. They had not billed us nor asked for a contract from 2010 through 2017.

In 2009 we were paying a flat fee under contract of \$5,075. In 2018, they changed their methodology and wanted to charge us on an allocation based on how many tickets we sent to their office. Between 2010 to 2015, we sent over anywhere from 132 to 233 tickets. As of 2016, when we dissolved our Mayor's Court, we started sending all of our tickets to the City of Akron. We now send anywhere from 337 to 891. This has drastically increased the amount of money they want to charge us. We were indicating that the majority of traffic tickets sent were waivers which never are prosecuted, so the services should be based on the tickets they service. We sent them data and they didn't get back to us until this year.



The amounts that they are asking us to pay are:

2010-2017 \$81,445.31
2018-2019 \$76,898.50
2020 \$37,614.17
For a total of \$195,957.98.

We will work with the Law Director and the Mayor's Office to come up with a recommended resolution to this matter.

Second Quarter Sewer Bills

Second quarter sewer bills are due on Thursday, September 3rd.

Delinquent Sewer Assessments and Grass Cutting Bills

By mid-September, we have to send delinquent sewer balances to the County to be assessed on the parcels' property taxes. To avoid this assessment, accounts need to be brought up to date before September 9. After this date, staff will gather the delinquent account information and forward it to the County. This year we have approximately \$87,350 (42 accounts or 3.8%) of the total accounts are delinquent and will be sent to the County. We will put any unpaid grass cutting bills onto the property taxes as well.

2021 Budget

Working on the 2021 Budget. Plan on distributing base budgets to departments next week. Department heads will review the budgets to determine if any changes are required. Service Director is working on the 2021 Capital Improvement Budget. We will meet with departments and the Mayor during the second half of September or beginning of October. Preparing budget highlights before the end of October to present the budget to Council and hold discussions on the budget in November and December with adoption of the budget on December 15th.

Law Director: Cortes said the zoning enforcement case against Michael Simek on Brush Road will be dismissed. A settlement agreement is in place in case we need enforcement.

COMMITTEE REPORTS

Building and Grounds: Waszak recapped the 8-19 committee meeting. The committee voted to work with Cortes on the disposal of the Recreation building at 3333 Brecksville Road. The building could be reused or the land could be redeveloped. As far as the service department goes, it needs a "big box" building to store large equipment.



RJRD: Philippbar said the board met on Aug. 24. Gund Hall bathrooms are mostly complete, and they are now working on the kitchen. They have six applicants for the re-posted park director position. The plan for Oviatt House is to make it less functional and more of a “scene setter.”

Public Works: Domanick said the committee will meet in October.

Tree and Landscape: Domanick said the commission will meet on Oct. 12.

Park Board: Domanick said the board will meet on Oct. 5.

CAUCUS

COMMENTS FROM FLOOR ON AGENDA ITEMS ONLY: None.

ORDINANCES AND RESOLUTIONS

MOTION: TO ADD RESOLUTION 64-2020 TO THE AGENDA.

Moved by Beshara, seconded by Philippbar. Upon roll call, motion passed unanimously.

First Readings:

RESOLUTION 63-2020

Offered by All of Council

A RESOLUTION DECLARING VARIOUS ITEMS OF VILLAGE PERSONAL PROPERTY AS SUPPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE VILLAGE TO SELL SAID PROPERTY BY INTERNET AUCTION, AND DECLARING AN EMERGENCY

RESOLUTION 64-2020

Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO EXECUTE A CONTRACT WITH CAVANAUGH BUILDING CORPORATION FOR THE ASSOCIATED CONSTRUCTION/SITE WORK AND SETTING OF A PERMANENT NATURAL GAS-DRIVEN GENERATOR AT PUMP STATION NO. 1, WAIVING COMPETITIVE BIDDING REQUIREMENTS, AND DECLARING AN EMERGENCY

MOTION: TO SUSPEND SECOND AND THIRD READINGS OF RESOLUTION 64-2020.

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

MOTION: TO ADOPT RESOLUTION 64-2020.

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

Second Readings: None.



Third Readings:

RESOLUTION 59-2020

Offered by All of Council

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A FIRST RENEWAL INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY, DEPARTMENT OF ADMINISTRATIVE SERVICES, DIVISION OF ANIMAL CONTROL FOR ANIMAL CONTROL SERVICES, AND DECLARING AN EMERGENCY

MOTION: TO ADOPT RESOLUTION 59-2020.

Moved by Philipbar, seconded by Waszak. Upon roll call, motion passed unanimously.

ORDINANCE 16-2016

Offered by All of Council

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH RICHFIELD FURNACE RUN ASSOCIATES LLC AND WATER AND SEWER LLC AND DECLARING AN EMERGENCY

ORDINANCE 17-2016

Offered by All of Council

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1128 OF THE VILLAGE OF RICHFIELD'S PLANNING AND ZONING CODE, ENTITLED "RCD SINGLE FAMILY CONSERVATION DISTRICT," TO FACILITATE R-3 RESIDENTIAL CONSERVATION DEVELOPMENT

UNFINISHED BUSINESS

Wheeler said the village is close to a signed agreement regarding the Briarwood development.

Beshara said the village's previous agreement regarding animal control expired yesterday.

Wheeler said he met with Papp and other engineers regarding the Eastwood Barn renovation.

NEW BUSINESS

Waszak would like to discuss the future of the Recreation department building. That discussion will take place in executive session at the Sept. 9 work session, which would make it a special meeting. Other discussion topics for Sept. 9 include Briarwood, West Richfield Cemetery plot availability and Sewer system overview.

Beshara asked about sidewalks on Broadview Road. Turk said the Sidewalk Fund contains almost \$192,000. Domanick said that could be discussed at the Public Works Committee meeting next month.



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COMMENTS FROM THE FLOOR: None.

WORK SESSION: None.

MOTION: TO ENTER EXECUTIVE SESSION TO DISCUSS THE HIRING, POSSIBLE DISMISSAL AND COMPENSATION OF PUBLIC EMPLOYEES. Moved by Philipbar, seconded by Domanick. Upon roll call, motion passed unanimously.

Executive session lasted from 8:40 to 9:23 p.m., and Lyons adjourned the meeting.

Respectfully submitted,

Jeff Gorman
Clerk of Council

Mike Lyons
Council President

