

Regular Council

January 24, 2008

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2 Presiding Officer, Mayor Donald Kuchta called the January 24 regular meeting of Macedonia
3 City Council to order at 7:30pm.
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5 **Present:** Council members' Shane Barker, David Engle, Kenneth Martin, Nicholas
6 Molnar, Peggy Spraggins and Janet Tulley; Law Director Joseph W. Diemert, Jr.,
7 and Council Clerk Josephine Arceci

8 **Absent:** None
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10 **PLEDGE OF ALLEGIANCE** led by Mr. Engle was followed by an invocation by Mrs. Tulley.

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12 **MINUTES** None
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14 **PRESENTATION**

15 Summit County Engineer Greg Bachman and Brian Stormer, Director of Administrative and
16 Government Affairs for the engineer's office provided a power point presentation relative to
17 roundabouts as modern day alternatives to intersections. Mr. Bachman explained that the today's
18 roundabouts should not be confused with traditional traffic circles. Modern roundabouts are
19 typically smaller in diameter and more versatile. Mr. Bachman further explained the primary
20 reason for considering a roundabout in lieu of a traditional intersection with "stop-and-go" traffic
21 controls is safety. Graphically illustrating vehicle conflict points Mr. Bachman demonstrated
22 how roundabouts are safer for motorists and pedestrians. Traffic engineers throughout the country
23 Mr. Bachman stated are recommending roundabouts for almost the same reasons communities are
24 choosing them: To reduce accidents and injuries, to provide traffic calming, to eliminate traffic
25 signals thus wait time, to create attractive focal points and to provide friendlier environmental
26 conditions. Originating in France there are now thousands of roundabouts throughout Europe Mr.
27 Bachman stated. The United States is catching on to their versatility with the state of Colorado
28 being the leader in this old but innovative concept. Mr. Bachman suggested an ideal location in
29 Macedonia for a roundabout is at the intersection of Twinsburg and Valley View Road. The cost
30 of creating a roundabout in this location would be about \$500,000 which would be borne by the
31 City he added.
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33 Councilor Spraggins asked Mr. Bachman if Highway Safety money could be used to fund this
34 project to which he answered no because there have not been enough accidents or any fatalities at
35 this intersection.
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37 Councilor Tulley asked Mr. Bachman the status of a roundabout at the intersection of Shepard
38 and Ravenna Roads to which he answered that it is no longer being considered. While that
39 specific intersection would be an ideal location for a roundabout in part because of its dog leg
40 configuration Mr. Bachman said the project is complicated by the fact that this area falls within
41 four communities and two counties.
42

43 Mayor Kuchta thanked Mr. Bachman for his time and presentation. The mayor stated that Mr.
44 Bachman and his staff for always availing themselves to Macedonia's roads and storm water
45 issues. The mayor told Mr. Bachman while Council and the administration understands the
46 importance of considering traffic flow alternatives, Macedonia currently has too many other
47 financial commitments to consider a roundabout at this time.
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49 **INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**
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51 **ORD. NO. 1-2008**

52 AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO
53 ENTER INTO A CONTRACT WITH CTI ENVIRONMENTAL, INC., TO PERFORM A
54 COMPUTERIZED MODELING OF INDIAN CREEK RELATING TO THE STORM WATER
55 DRAINAGE AND SEWER STUDY was **offered** by Mrs. Tulley and moved Council to waive
56 the requirement that it be read by title on three different days, instructing the Clerk to read it by
57 **title only for its second and third reading readings.** Second by Mr. Engle.
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59 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
60 Nays: None
61 The motion carried
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63 Mrs. Tulley moved, Mr. Barker seconded, to **adopt ORD. NO. 1-2008**, and post same according
64 to law.

65 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
66 Nays: None
67 The motion carried, **ORD. NO. 1-2008 adopted**

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ORD. NO. 2-2008

AN ORDINANCE PROVIDING FOR THE 2008 ANNUAL APPROPRIATIONS, AND DECLARING AN EMERGENCY was **offered** by Mrs. Tulley for its **second reading by title only**. Second not required.

ORD. NO. 3-2008

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF MACEDONIA was **offered** by Mr. Martin moved Council to waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Engle.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried

Mr. Martin moved, Mr. Engle seconded, to **adopt ORD. NO. 3-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried, **ORD. NO. 3-2008 adopted**

ORD. NO. 4-2008

AN EMERGENCY ORDINANCE AMENDING CHAPTER 135 OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA AUTHORIZING BID OPENINGS BY REVERSE INTERNET AUCTION was **offered** by Mr. Molnar moved Council to waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mrs. Tulley.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried

Mr. Molnar moved, Mrs. Tulley seconded, to **adopt ORD. NO. 4-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried, **ORD. NO. 4-2008 adopted**

Relative to ORD. NO. 4-2008, Mayor Kuchta explained the new bidding tool is like eBay, but in reverse. It is being tested as a way to get lower bids thereby saving money. The statutory requirements such as advertising, posting and bid documents will remain virtually the same as there are now he added.

ORD. NO. 5-2008

AN EMERGENCY ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF TWINSBURG AND THE CITY OF MACEDONIA FOR THE IMPROVEMENT OF SHEPARD ROAD BY CONSTRUCTING A SANITARY SEWER ALONG SHEPARD ROAD AND FLORENCE DRIVE was **offered** by Mrs. Spraggins for its **first reading** by title only. Second not required.

ORD. NO. 6 -2008

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO, LOCAL GOVERNMENT SERVICES SECTION OF THE OFFICE OF THE AUDITOR FOR CERTAIN FINANCIAL SERVICES was **offered** by Mrs. Tulley moved Council to waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Engle.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried

Mrs. Tulley moved, Mr. Engle seconded, to **adopt ORD. NO. 6-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried, **ORD. NO. 6-2008 adopted**

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ORD. NO. 7-2008

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION TO THE REAL PROPERTY OWNED BY AIRGAS GREAT LAKES, INC. IN THE COMMUNITY REINVESTMENT AREA AND AUTHORIZING THE MAYOR TO ENTER IN SUCH COMMUNITY REINVESTMENT AGREEMENT was **offered** by Mr. Martin moved Council to waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Engle.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried

Mr. Martin moved, Mr. Engle seconded, to **adopt ORD. NO. 7-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried, **ORD. NO. 7-2008 adopted**

Relative to ORD. NO. 7-2008, Mayor Kuchta welcomed Diane Puntel, project manager of Airgas Great Lakes. The mayor stated that Airgas is the leading distributor of industrial, medical and specialty gases and related hard goods, such as welding supplies in the United States. Their anticipated commitment to Macedonia is highly valued the mayor stated.

RES. NO. 8 -2008

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF KENNETH MARTIN TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE NORTHFIELD CENTER TOWNSHIP-MACEDONIA JOINT ECONOMIC DEVELOPMENT DISTRICT was **offered** by Mr. Molnar moved Council to waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mrs. Tulley.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried

Mr. Molnar moved, Mr. Tulley seconded, to **adopt RES. NO. 8-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried, **RES. NO. 8-2008 adopted**

RES. NO. 9 -2008

A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF ROY CUNNINGHAM III TO THE POSITION OF FULL-TIME POLICE OFFICER was **offered** by Mr. Barker moved Council to waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Engle.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried

Mr. Barker moved, Mr. Engle seconded, to **adopt RES. NO. 9-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried, **RES. NO. 9-2008 adopted**

Relative to RES. NO. 9-2008, Chief Golden explained that Officer Cunningham is an experienced patrolman who previously served on the Seven Hills police department. Chief Golden added that Officer Cunningham is also proficient in computer skills which will be a benefit to the department.

ORD. NO. 10-2008

AN EMERGENCY ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 121.02(p) APPOINTMENT PROCESS FOR THE STANDING COMMITTEES OF COUNCIL was **offered** by Mrs. Spraggins for its **first reading by title only**. Second not required.

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MOTIONS OR OTHER LEGISLATIVE ACTIONS:

~Mr. Engle moved, Mrs. Tulley seconded to reject all four (4) bids relative to the purchase of a leaf collector machine.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
 Nays: None

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The motion carried

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CORRESPONDENCE:

~Letter of appreciation from Patrick Lorek of David M. Chester Attorneys to Chief Golden relative to the friendly professional assistance police department dispatchers provides him and other staff members.

PUBLIC COMMENTS:

~Kathy Thomas of Cliffview Circle questioned whether the timing of the signal light at SR82 and Valley View Road will change after the bridge and roadway are widened to which the mayor answered in all likelihood it will. She wondered if the timing could be changed now because as she complained she waits at the light for what seems like forever on Sundays, when traffic is at its lowest.

Engineer Tufts interjected that the very nature of the widening and the added lanes will significantly change traffic flow in both directions. This will result in an adjustment in timing of all signal lights along SR82 he said. The current timing of that light, Mr. Tufts added and any adjustments that are made as with any of the lights is for the purpose of maximizing the efficiency of traffic flow at various times of the day particularly at peak hours.

As an aside, Councilor Barker asked Mrs. Thomas if she has received any information relative to the Manor House to which she answered that she doesn't expect to hear anything until April.

MAYOR'S REPORT: Attached. See end of this document.

COMMITTEE REPORTS

Planning Commission Mr. Martin reported that Planning approved the plans relative to the expansion of Plastics Process, the signage at The Great Escape located at The Crossings at Golden Link and it reviewed the proposed signage at the Faith Fellowship, which the church is reconsidering at this time. The Commission's next meeting is January 28 at 5:30pm.

Finance Committee Mrs. Tulley announced that the Committee's next meeting is Tuesday, January 29 at 6:30pm. Discussion will focus on the 2008 budget and major initiatives like the Route 82 project, EPA mandates, and storm water management, the Manor House, the fire department and staffing. While many of these items she said have been on the books for more than a year Council needs to get a broader picture of how they fold into 2008 revenue versus expenditures.

Councilor Spraggins asked Mrs. Tulley to add the Capital Assets Policy and Stormwater Utility fee that the City is proposing to the finance agenda.

Councilor Tulley told Mrs. Spraggins the Capital Assets Policy is not an expenditure item and the Stormwater Utility fee is still under discussion by the Drainage and Sewer Control Committee and therefore neither should be included at this time. The DSCC has made no recommendation nor are they immediately prepared to do so why this subject would be discussed now Mrs. Tulley asked. There will however be a stormwater update on the agenda as it relates to mandates she added.

Councilor Spraggins stated the Capital Assets Policy should be included because it's Council's responsibility to set and approve policy, not the Audit Committee's nor the administrations. The utility fee should be included because it's been reported that the City is proposing a fee.

Law Director Diemert interjected that the Capital Assets Policy is a management/accounting tool used to identify and monitor such factors as insurance and depreciation of the City's assets. It is the administration's responsibility to establish the policy as dictated by the state auditor. It is state law that determines the threshold for the sale, auction or disposal of public property he added.

Mrs. Spraggins countered that Macedonia's Charter and Ohio Revised Code state the Council determines policy and asked again that both items be discussed at the next finance meeting so legislation relative to the policy could be forthcoming.

Mrs. Tulley asked Council President Engle to schedule a separate meeting to discuss the topics Mrs. Spraggins' has requested. The finance agenda is already lengthy and there will never be enough time to cover the existing topics she said. Mrs. Tulley reiterated that discussion will include stormwater projects like the culvert replacements because of how it factors into the 2008 budget. It really is too premature to discuss a utility fee Mrs. Tulley stated. Besides waiting for the results of the Indian Creek modeling the DSCC continues to seek funding opportunities.

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281 Mr. Engle suggested that the utility fee be discussed because of the impact it will have on the
282 2008 budget. Based on what's been reported in the local newspaper and what he has heard he
283 believes there is reason for concern about the fee. Council has yet to be informed about anything
284 that's been discussed by the DSCC and since the majority of Council has indicted a fee would
285 not be consider this year he thought it only fair that it be discussed sooner than later.

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287 Mrs. Tulley restated that the DSCC has not made any recommendations. They are still mulling
288 various options and until work is completed by CTI cannot make educated recommendations.
289 Mrs. Tulley reminded Council that the fee may just be one part of their recommendation(s).

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291 Mrs. Spraggins said she heard that the City presented a fee proposal to the DSCC and that the
292 proposal was a given, that it was a done deal. Four years ago Mrs. Spraggins reminded Mrs.
293 Tulley this Council chose not to institute a utility fee. If in fact a fee is not going happen now
294 Mrs. Spraggins said then the City needs to go back to the drawing board.

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296 Mrs. Tulley questioned where Mrs. Spraggins heard the fee was a done deal. The DSCC is still
297 at the drawing board Mrs. Tulley stated. The DSCC made a formal presentation to Council at its
298 August meeting at which time every council member heard their report and received the same
299 packet of information. During that presentation the Committee detailed their goals:
300 Understanding storm water's impact on the community and budget and how to implement and
301 fund recommendations.

302
303 Mrs. Spraggins questioned why Council hasn't been receiving minutes from the DSCC meetings
304 (It was learned after the meeting that the emails generated by the DSCC inadvertently excluded
305 Council's email addresses.)

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307 With regards to another topic Mrs. Spraggins questioned Mayor Kuchta how and why the JEDD
308 Board allocated funds for an environmental study when Council never discussed or approved this
309 expenditure.

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311 Mayor Kuchta told Mrs. Spraggins that Mr. Diemert rendered an opinion that per the JEDD
312 Agreement the JEDD Board has the authority to allocate revenue. The Board approved spending
313 \$20 thousand towards the study at their January 23 fully confident in its authority to do so the
314 mayor stated. The expenditure is collaboration with Summit County Port Authority who will be
315 paying the other half of the \$40 thousand study for planned land-uses of the SR8 corridor.

316
317 Mrs. Spraggins asked to see Mr. Diemert's opinion to which she was told that it was placed in
318 Council mailboxes the early part of December. (Clerk Arceci distributed the opinion to Council
319 on December 12. The opinion was redistributed to Council January 25, 2008)

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321 Councilor Martin assured Mrs. Spraggins that the study is in the best interest of both communities
322 representing the JEDD. Northfield Center trustees fully supported it and in the interest of
323 harmony and cooperation there was no reason for Macedonia's representatives on the JEDD
324 Board not to do the same he said.

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326 Mrs. Spraggins told Mr. Martin that she is not against the study. She just thinks its too late. If
327 this Council hadn't been diligent and so questioning there would already be development
328 negatively impacting the environment she said. This administration and Summit County Council
329 committed to a soccer stadium against the wishes of the majority of this Council. An
330 environment study should have been done before the soccer stadium was even proposed. But the
331 project was pushed through the back door by city and county officials. It disappoints her she
332 added that the soccer project is still being concerned by the developer because in her mind this is
333 not a good project for Macedonia. Mrs. Spraggins asked who is responsible for choosing the
334 consultant for the study.

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336 Mayor Kuchta told Mrs. Spraggins he considered her remark pushing it through the back door a
337 low blow. "Are you accusing me of working under table, he asked?" As mayor his job is to find
338 ways to generate new revenue, to seek new businesses, to negotiate on behalf of the City like he
339 did with Airgas or like he did with the company he met with today he said. The mayor reminded
340 Mrs. Spraggins that the soccer project never moved beyond negotiations. There was a lot of back
341 and forth talking for a very long time but nothing beyond negotiating was taking place the mayor
342 added. The project never came to fruition and therefore it wasn't necessary to come before
343 Council

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345 Councilor Spraggins countered that the soccer stadium got farther than negotiations to which Law
346 Director Diemert interrupted and stated it did not. The law director cautioned Mrs. Spraggins
347 about accusing the administration of working behind closed doors. He also reminded Mrs.
348 Spraggins that sometimes negotiations take long periods of time and during that time there is a lot
349 that is said and reported.

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Councilor Barker interjected that if anyone should have been upset about by the stadium it should have been him. I'm the only one who would have had it in his backyard he stated. For two years this project has been discussed. And it's the developer prerogative to can continue to pursue it if someone out there is willing to listen. Mr. Barker said that it is incumbent upon all elected officials to keep open minds and to evaluate each circumstance objectively. Mr. Barker feels Mrs. Spraggins negativity is unprofessional and irresponsible. This entire discussion is absurd he added.

Councilor Spraggins told Mr. Barker that at a Summit County meeting in which she attended the developer was ready to sign on the dotted line. She reiterated that the project went beyond negotiations, it was a done deal.

Councilor Tulley reminded Mrs. Spraggins that many signatures were required, Macedonia's in particular. In the end the final project feel short and therefore never found its way to Council she added. Mrs. Tulley also reminded Mrs. Spraggins that she attended a meeting with the developer as did Mr. Engle and Mrs. Tulley. The purpose of that meeting was to provide one-on-one discussion about the soccer stadium. This was truly the venue to learn first hand about the project, to learn what the developer expected and for the developer to learn what was expected of him she added.

Councilor Barker chided that Mr. Engle keep the other members of Council from the meeting to which Mr. Engle reminded Mr. Barker that the developer asked that the elected officials attending the meeting be limited to the minority because of the Sunshine Law. Mr. Barker was also reminded by Mr. Engle that the other members could have meet with the developer at another time. Mr. Barker answered that he didn't recall being advised of the same opportunity.

Regarding the study Councilor Tulley stated that each community through the JEDD Board recognizes that this study, which certainly should have been done earlier, should now be done since there are no immediate plans for this area of the SR8 corridor. The study will identify how this area can be developed economically, environmentally and neighbor friendly smart.

Also about the study Mr. Brunot explained that the Greater Akron Chamber of Commerce will be awarding the contract. It was thought best Mr. Brunot stated that a separate entity handle the bids since the area to of study compromises the two distinct political subdivisions. Mr. Brunot explained that a Committee compromised of a representative from the Akron Chamber, Summit County Department of Development, and Mr. Brunot will be reviewing the applications Silverlode Consulting and the Floyd Browne Group. The consultant chosen should have the study completed by March 28 with the report being publicized sometime in April he added.

Drainage and Sewer Control Committee Mrs. Tulley announced that the Committee will be meeting Wednesday, February 6 at 7pm. Mrs. Tulley encouraged members of Council to attend the meeting as well as well as the general public. Mrs. Tulley stated that this Committee is one of the most dedicated, committed group of residents she has ever had the pleasure of working with. Two of the members even took personal time to attend an all day seminar relative to the Brandywine Watershed she added.

DEPARTMENT REPORTS

Service Department Mr. Crevar reported service crews continue to prune street trees on Crow Drive, Crow Trail, Ledge Acres, Skyland, Redwood and Atterbury. Crews are also patching and repairing potholes when not in snow removal mode.

Building Department Mr. Tufts' reported attached. See end of this document.

Regarding Mr. Tufts' reference to S. Freeway Drive, Mayor Kuchta mentioned that he continues to seek project funding wherever possible. The mayor is meeting with Summit County officials on Friday, January 25 for this very purpose.

Recreation Department Ms. Gmerek reported that Macedonia's Recreation Center is experiencing its busiest time of the year. Admittance in January is averaging 617 per day. Daily passes have reached 1,017 during the first half of the month and more than 240 memberships have been sold since the beginning of the year. Ms. Gmerek mentioned how much fitness equipment gets used and abused during the cold weather months. She encouraged patrons to change into their work out shoes after they arrive at the Recreation Center. This prevents snow and road salt from being tracked into the facility and onto equipment. Making this small adjustment will give the equipment a longer life span as well as make work out shoes last longer too she said. Ms. Gmerek mentioned that youth soccer registration for the spring soccer program for boys and girls ages 4-14 ends February 17.

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Finance Department Mr. Brunot welcomed Councilor Martin to the JEDD Board. Mr. Brunot thanked Council for approving Ordinance No. 4-2008. Mr. Brunot believes the City will save money using the Internet and Web site www.bidbridge.com for competitively bidding. Mr. Brunot explained the bidding process is like eBay but in reverse. Vendors will still be required to submit their bid packages but without an actual bid. Vendors will be required to submit their bids on the site the day of the bid opening. Bidders will be unable to see each other bids. They will however be able to see their ranking to determine if they want to continue bidding, which is a good thing and the primary reason for using the reverse auction Mr. Brunot said. While this concept may be new to Macedonia, a number of communities throughout of Ohio already use this site he added. Mr. Brunot also thanked Council for approving Ordinance No. 7-2008. Airgas is a quality company and another example of how the administration is using economic development to increase revenue. Regarding the Capital Assets Policy Mr. Brunot explained that it is an administrative document recommended by the state auditor. The document tracks capital assets with a minimum valuation of \$500. The document was circulated as a courtesy. However if Council feels it should acknowledge receipt of it than it can be done by way of a motion he suggested. Mr. Brunot added that the Audit Committee created as a result of the previous year's audit recommendation is the oversight committee relative to function of the offices of finance director and deputy finance director.

Fire Department Chief Black had no report.

Police Department Chief Golden thanked Council and the mayor for the appointment of Officer Cunningham. The chief reported that the Wal-Mart arsonist has been charged, that K-9 Officer Aaron tracked a suicidal male preventing a fatality and he assisted Sagamore Hills police department in a sizeable cocaine arrest. Chief mentioned that Metro SWAT for whom Officer Vince Danko is an assistant commander has recognized Officer Danko for his outstanding performance, presenting him SWAT's Annual Fitness Award for 2007. The chief also mentioned that during evening patrol, officers are identifying burn-out street lights and reporting them to Service Director Crevar.

Law Department Mr. Diemert had no report.

Unfinished business Councilor Spraggins stated she has been reviewing Mr. Diemert's invoices particularly with regards to Board of Election activities. While Mr. Diemert's invoices are not itemized she said it appears to her that this issue cost the City about \$5,000.00. Mrs. Spraggins asked Mr. Diemert if Mayor Kuchta authorized Mr. Diemert's to get involved in issue of Mr. Molnar running for City Council.

Mr. Diemert reminded Mrs. Spraggins that as Macedonia's law director and under the direction and authority of the Charter he is responsible for representing the City in all legal proceedings. The residency question was no exception. Mr. Diemert reminded Mrs. Spraggins that it was a City issue because the Charter was challenged. The mayor had no involvement he added. Mr. Diemert explained that he was notified by the Summit County prosecutor that Councilor Miller filed an objection with the Board of Elections relative to Mr. Molnar's residency qualifications. The prosecutor asked for Mr. Diemert's opinion which he rendered after researching Macedonia's past history and case law. The opinion was not issued for any one person. The opinion and any actions taken were in defense of the Charter. If this Council doesn't believe the two-year residency is no longer an important requirement than the Charter should be amended. Until then however, this Council, the mayor and as well as every member of the law department are legally obligated to defend it he said.

Mrs. Spraggins questioned why this was a City issue? It was a personal issue. Mr. Miller took it upon himself to file the objection she added. Mr. Miller didn't ask members of Council their opinion on the matter. This cost therefore should be borne by Mr. Miller, not the City.

Mr. Diemert reiterated that this was not Mr. Miller's issue. It was a residency issue and a violation of the Charter. There has been no change in the language relative to residency qualifications since the inception of the Charter he stated. Mr. Diemert reminded Mrs. Spraggins that as the former clerk of council she took it upon herself to notify the Board of Elections relative to the same issue to which Mrs. Spraggins said if she did so it was because she was directed by Council, the mayor or the law director.

Councilor Barker interjected that had that been true Mrs. Spraggins you should have indicated in her letter under whose directive was the letter being written. Mr. Barker read into the record the following letter dated August 21, 1987 to Janet D'Antonio of the Summit County Board of

Regular Council

January 24, 2008

488 Elections from Council Clerk Peggy Spraggins.

489
490 *Dear Ms. D'Antonio:*

491
492 *It has come to my attention that a candidate who has filed for*
493 *Mayor of the City of Macedonia for the November election is not*
494 *a qualified candidate.*

495
496 *Our Chart, Section 3.02 Qualification states, "The Mayor shall*
497 *have been for at least two (2) years prior to the date of his*
498 *election, and during his term of office shall be, a continuous*
499 *resident and qualified elector of this Municipality."*

500
501 *I understand that Bruce Genovese registered as a Macedonia*
502 *elector in 1986 and therefore will not be qualified elector for the*
503 *two years at the time of his election. Please accept this letter as*
504 *a formal protest and see that Mr. Genovese's name does not*
505 *appear as a candidate for Mayor in the November election.*

506
507 *Very truly yours*

508
509 *Peggy A. Spraggins*
510 *Clerk of Council*

511
512 *pas*

513
514 After reading the letter, Councilor Barker questioned why Mrs. Spraggins took it upon herself in
515 1987 to support the Charter but not in 2007. Was it because she no longer wanted Mr. Miller to
516 be a member of Council he asked. Mr. Barker feels sorry for Councilor Molnar because Mrs.
517 Spraggins continues to use him as a pawn. Mr. Barker reiterated that every member of Council
518 took the same oath. Council cannot pick and choose when they want to uphold the Charter. Mr.
519 Barker suggested to Mrs. Spraggins that if she is unwilling to uphold the Charter and do what she
520 swore to do than she should resign.

521
522 **New business:** With regards to another matter, Councilor Tulley thanked the writing staff of
523 the NewsLeader for the very positive article about the Recreation Center that appeared in the
524 January 23, 2008 edition of the paper. Mrs. Tulley asked Ms. Gmerek when the book swap was
525 scheduled to which Ms. Gmerek answered the week of March 9.

526
527 There being no further business before Council, the meeting adjourned at 9:05pm

528
529 Date Approved: February 14, 2008

530
531 Mayor : Donald Kuchta

532
533 Attest: Josephine Arceci, Clerk of Council

534
535
536 _____
537 Mayor's Report

538
539 1-24-08

540 I have recently been working from home because I had some sinus surgery. I know that
541 there were some rumors floating around that I am not well, but actually I just was
542 following through on my New Year's resolution. That resolution was that I was not going
543 to put up with a sinus condition, that I suffered with for 9 months, anymore. Having
544 Sinus surgery is a little bit tough, but I had a newly FDA approved procedure done that is
545 called Sinuplasty. It is less invasive and allowed me to miss very little work.

546 The Route 8 Corridor study is moving forward by a cooperative funding between Summit
547 County, Macedonia and Northfield Center. This study is being viewed by many as
548 ground breaking procedure, in that it is looking at this area, before developing any of it. It
549 may even be looked at nationally as a role model to economically develop land in
550 conjunction with the environment. The people who will be doing the study will be
551 picked shortly with the projected completion of the study being the end of March.
552 It has been brought to our attention by the EPA that dirt bike activity south of the
553 "Crossings Shopping Center" has been taking place. That land is a conservancy and
riding there is strictly prohibited. They are actually photographing this activity from the

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January 24, 2008

554 sky. They could even be satellite pictures. This is a warning to those people riding there
555 that if they have the capability to do that, and the fact that violators will be prosecuted, I
556 would definitely advise against riding there anymore.

557
558 At a different site in a nearby community... it has been brought to our attention that
559 potential buffer zones were being defiled by home owners. The home Owner's
560 Association from this development had come to me with great concerns that any future
561 development in that area could defile their space. They emphasized that buffering their
562 homes was paramount. I had insured them that I took their concerns to heart. To hear that
563 homeowners there actually knocked down trees and left gaping holes in the earth to
564 improve their personal property is absolute unbelievable to me. This City, and its
565 Administration, and its Council have taken a very strong stand lately to protect and buffer
566 our residents. Past events have made this a priority. Future development will only be
567 done with proper buffering and environmental concerns. But for these people to say one
568 thing and then do this....

569
570 Fire Regionalization is continuing and the meetings will be aired on Cable 9 Sunday
571 evenings in February at 8:00 PM. I need to emphasize that even if this "joining together
572 of the forces" happens...it will not happen overnight. Our calls have been steadily
573 increasing. We need more firemen now.

574

575

576

577 TO: Josephine Arceci, Clerk of Council

578

579 FROM: Fred Tufts, P. E., City Engineer

580

581 SUBJECT: Engineer's Report for the 1/24/08 Council Meeting

582

583 DATE: January 24, 2008

584

585 Pursuant to the above scheduled Council Meeting. I offer the following:

586

587 Major Infrastructure Projects:

588

589 1. **SR 82 widening, Phase 2:**

590 The Fiber optic relocation work within the Norfolk Southern right-of-way is
591 currently being performed and should be complete in 4 to 6 weeks.

592

593 2. **South Freeway Drive:**

594 Moving forward on this important project requires a decision on the funding
595 parameters. If the project is to be partially financed through assessments, the
596 process requires a Council resolution of necessity (no change).

597

598 3. **North Bedford Road:**

599 We are in the process of evaluation and preparation of necessary bid
600 document, (no change).

601

602 Building Department:

603 Nothing new to report other than we remain extremely busy.

604

605 This concludes my report.

606

607 cc: Mayor Don Kuchta

608