

SPECIAL COUNCIL

June 4, 2009

The **Special** meeting of Macedonia City Council was called to order on June 4, 2009 at 6:30pm. Council Vice President Kenneth Martin, mayor pro tempore, presiding.

Present: Council members' Shane Barker, Kenneth Martin, Nicholas Molnar, Peggy Spraggins, Janet Tulley and Council Clerk Josephine Arceci

Absent: Mayor Donald Kuchta and Council President David Engle

Pledge of Allegiance led by Councilor Barker was followed by an invocation led by Councilor Jan Tulley.

Purpose of Meeting and/or legislative Item(s):

ORD. NO. 33 -2009

AN ORDINANCE AUTHORIZING THE MAYOR TO ACKNOWLEDGE AND ACCEPT \$168,323 FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) was **offered** by Mr. Barker and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title through the third Whereas clause for all three readings**. Second by Mrs. Tulley.

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

Mr. Barker moved, Mrs. Tulley seconded, to **adopt ORD. NO. 33-2009**, and post same according to law.

Roll call: Ayes: Barker, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried. **ORD. NO. 33-2009, adopted**

Mayor Kuchta's letter to Macedonia City Council dated June 4, 2009 was read aloud prior to the adoption of Ordinance No. 33-2009 and prior to discussion as transcribed below. (Letter attached)

Greg McNeil, President and chairperson of the Quiet Zone Committee, Hudson resident and President of the Ashbrooke Homeowner's Association thanked Hudson and Macedonia residents who live in the subdivisions of Ashbrooke, Greystone, and the Villas of Tuscany who have been instrumental in helping Macedonia receive \$168,323 in stimulus funds for the construction a quiet zone at the Twinsburg Road rail crossing. Mr. McNeil reiterated what he had stated at Council's May 28 meeting, that the \$7500 cost of the preliminary engineering study funded by Macedonia (50%) and Hudson (25%) and Northfield Center (25%) has already been paid and therefore not a project expense. Macedonia City Council's concern about being responsible for cost overruns has been addressed Mr. McNeil feels because Hudson City Council has agreed, and has done so legislatively to share equally in any cost over the \$168,323. Mr. McNeil reiterated his confidence that there will be no cost overruns. This project has been reviewed by Norfolk Southern, the Ohio Rail Development Commission and Hudson Engineer Tom Sheridan all of whom feel the funds received match the estimated cost of the project. Mr. McNeil introduced Hudson Mayor Bill Currin and Hudson Council President David Basil who were present to speak personally to that cooperation.

Mayor Currin thanked Mr. McNeil and for whom the mayor described at the eager minded citizens of Quiet Zone committee, for taking the initiative to secure stimulus funding. Although the Twinsburg Road rail crossing is physically located in the City of Macedonia Mayor Currin stated the contiguous boundary of the two communities warrants the collaborative efforts of each community in seeing that the quiet zone is created. This is a worthwhile project Mayor Currin added because it mutually benefits the safety and peace and quiet of the residents of Macedonia and Hudson. Mayor Currin reported that Mr. Sheridan carefully reviewed the project plans and feels strongly that the prospect of cost overages is very slim. In Mr. Sheridan's opinion the project is well funded. Mayor Currin added this is an extraordinary circumstance that requires immediate action. He encouraged Macedonia Council to feel the same and act favorably on Ordinance No. 33-2009. The idea of losing \$168,323 over what may be nothing or at least an insignificant amount is inconceivable Mayor Currin stated.

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Hudson Council President David Basil added that Mr. Sheridan told Hudson City Council that the bid document is complete to the extent the specifications include the tape applied to various parts of the circuitry. Because the plans are so complete Mr. Sheridan does not foresee problems. Any overages, if any as Mayor Currin had stated would be minuscule Mr. Basil added. Overruns are usually a result of change orders. Change orders are usually a result of unknowns. Because this site is in a rural area with no past history of construction there should be little or no unknowns. Mr. Sheridan also feels bids should come in lower than expected because of the current state of the economy Mr. Basil said. Mr. Basil cited a recent Hudson bid for the Season Road interchange that came in at \$9 million dollars when in fact the project was estimated to cost \$11.5 million dollars. Mr. Basil is confident the same will happen when the Twinsburg Road project is bid. The competitive nature of the construction business and the eagerness to work are driving costs down. Mr. Basil, describing himself as an overly conservative and sometimes skeptical individual stated his faith in Mr. Sheridan's report and the worthiness of the project; quieting trains and providing another level of vehicular safety at that crossing are the reasons he voted to share cost overages with Macedonia.

Steve Brunot, former finance director of City of Macedonia and Director Administration for the Summit County Engineer stated the engineer's office has not technically been involved with the project and therefore has not reviewed the plans. The engineer's office however was approached initially by the Quiet Zone Committee for funding. The engineer's office was unable to fund the project as everyone at this point knows Mr. Brunot stated, but was helpful in steering Mr. McNeil and his committee to apply as private citizens for stimulus funding. Historically the railroad is notorious for over estimating projects Mr. Brunot stated. This project is very well funded and there is every expectation that the project will in fact come under budget. In the event that it does not the engineer's office would be willing to seek stimulus dollars that have not have been fully used by other communities. This is not a guarantee Mr. Brunot stated but every effort will be made.

Macedonia City Council's hesitancy and uneasiness was due to their genuine concern with the City's current budgetary constraints. Questions were raised whether a cap could be placed on the project, if Macedonia could have any input in the project and if Macedonia could be the fiduciary agent. The answers to all three questions were no.

In addition to the attendance of Hudson city officials, Council Chambers was filled to capacity with predominately Macedonia residents who reside in the area of the Twinsburg Road rail crossing. Many residents spoke on the issue. Many questioned Councils' apprehension and lack of appreciation for the Herculean efforts put forth by Mr. McNeil and his committee. Many chastised Council for not immediately embracing the opportunity and acting quickly.

There being no further business before Council, the special meeting was adjourned at 7:50pm