

Regular Council

July 9, 2009

1 The regular meeting of Macedonia City Council was called to order on July 9 at 7:35pm, Mayor
2 Don Kuchta presiding.

3
4 **Present:** Council members' Shane Barker, David Engle, Kenneth Martin, Nicholas
5 Molnar, Peggy Spraggins and Janet Tulley; Assistant Law Director Thomas
6 Hanculak, and Council Clerk Josephine Arceci.

7 **Absent:** None

8
9 **PLEDGE OF ALLEGIANCE** led by Council President Dave Engle was followed by an invocation
10 led by Councilor Jan Tulley.

11 **MINUTES** Mrs. Tulley moved, Mr. Engle seconded, to approve minutes of the regular meetings
12 of June 11 and June 25, 2009 meeting.

13
14 Roll call: Ayes: Barker, Engle, Spraggins, Tulley
15 Nays: None
16 Abstentions: Martin, Molnar (relative to June 25 meeting)
17 The motion carried
18

19 **PRESENTATION** Al Hancock, an independent broker for Consumer Choice Marketing from
20 Toledo, Ohio was present to explain how Consumer Choice Marketing could potentially save the
21 City of Macedonia thousands of dollars regarding natural gas usage for its municipal buildings.
22 Consumer Choice Marketing serves thousands of clients in Michigan, Ohio and Pennsylvania.
23 Through volume purchasing Consumer Choice Marketing is able to get low gas rates for its
24 commercial or residential users. After reviewing the City's March 2009 gas bill Mr. Hancock
25 believes that he can get lower rates for the City lower. According to the March bill Mr. Hancock
26 stated that the City uses on average over 11,000 mcf per month. Mr. Hancock's estimates
27 Consumer Choice Marketing can save the City between \$10,000 and \$20,000. Mr. Hancock
28 asked to meet with the finance director in the next several weeks to review this potential
29 opportunity.
30

31 **INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

32 **ORD. NO. 31 -2009**

33 Mr. Martin moved Mrs. Spraggins seconded for **ORD. NO. 31 -2009: AN EMERGENCY**
34 **ORDINANCE AMENDING SECTION 1127.03 OF THE CODIFIED ORDINANCES OF THE**
35 **CITY OF MACEDONIA RELATIVE TO THE DEDICATION OF OPEN SPACE WITHIN A**
36 **SUBDIVISION to remain at its second reading** (First reading: May 28, 2009)

37
38 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
39 Nays: None
40 The motion carried.

41 **RES. NO. 34 -2009**

42 Mrs. Spraggins moved Mr. Engle seconded for RES. NO. 34-2009: A RESOLUTION TO
43 ADOPT AND PARTICIPATE IN A MULTI-JURISDICTIONAL HAZARD MITIGATION
44 PLAN IN CONJUNCTION WITH THE COUNTY OF SUMMIT EMERGENCY
45 MANAGEMENT AGENCY to **remain** at its **second reading**. (First reading was June 11,
46 2009)

47
48 **ORD. NO. 35 -2009**

49 AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO
50 ENTER INTO A FIVE YEAR AGREEMENT BEGINNING ON JULY 1, 2009 TO JUNE 30,
51 2001 FOR THE RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL AND
52 RECYCLING SERVICES WITHIN THE CITY was **offered** by Mrs. Spraggins for its **third**
53 **reading by title** only. Second not required.

54
55 Mrs. Spraggins moved, Mr. Engle seconded to adopt ORD. NO. 35-2009 and post same
56 according to law.

57
58 Roll call: Ayes: None
59 Nays: Barker, Engle, Martin, Molnar, Spraggins, Tulley
60 The motion failed.

61
62 Relative to Ordinance No. 35-2009 and prior to the action taken above Mrs. Spraggins had
63 suggested that all the bids relative to the residential solid waste collection, disposal and recycling
64 service should be rejected and that the should be re-bid
65

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66 Councilor Barker however questioned the legal ramifications that would result by rejecting the
67 bids?

68
69 Assistant Law Director Hanculak advised Mr. Barker and the other members of Council that the
70 bids could be rejected but procedurally Ordinance No. 35-2009 should first fail.

71
72 Councilor Tulley felt it important to explain Mrs. Spraggins' position for rejecting the bids. The
73 specifications Mrs. Tulley stated were based on whether there should be curbside recycling,
74 whether recycling should remain at centralized location and a senior citizen discount. The cost of
75 removing the City's own trash from its dumpsters was added to specs as well. Mrs. Spraggins'
76 Mrs. Tulley stated wants to rebid because of the number of residents who have expressed interest
77 in curbside recycling regardless of the fact that curbside recycling will cost them more money per
78 month.

79
80 Councilor Spraggins interjected that there were several variables in the specifications. While that
81 is not uncommon she added in this case it added a lot of confusion and therefore her reason for
82 wanting to re-bid. The greatest variable is in regards to recycling. One plan offers it at curbside;
83 the other at a centralized drop-off location. Residents have made it clear that they want curbside
84 recycling. The other variable and the second reason for rejecting the bids, is in regards to a senior
85 citizen discount. This variable was not originally incorporated into the bids though each
86 company was afforded the opportunity to add it as an addendum that the law department
87 approved she added. The problem that resulted from this variable is that each company used a
88 different age to characterize a senior citizen. Another area that needs clarification is the cost of
89 the City's dumpsters. One bid incorporated the City's cost into the resident's cost. The other bid
90 segregated it out charging the City a separate amount. Regarding charging residents for the City
91 dumpsters Mrs. Spraggins thought the cost should be charged because it's their tax dollars being
92 spent anyway. In addition to what has been mentioned there was a mathematical error by the
93 apparent low bidder. While the company agreed to honor the error, Mrs. Spraggins' opinion is
94 that this is not fair that they do.

95
96 Council President Engle agreed that the bids should be rejected but asked that the re-bids include
97 curbside recycling as well as recycling at a centralized location. Mr. Barker made a very good
98 comment during the work session Mr. Engle stated, that perhaps the City should be responsible
99 for the additional cost of recycling if curbside is chosen. Council has asked Mr. Sengstock to
100 provide a financial breakdown as to how much this might cost Mr. Engle stated. The City
101 currently has expenses relative to drop-off recycling which it wouldn't have if recycling were no
102 centralized. The City also currently receives a grant relative to its recycling program and there is
103 a possibility Mr. Engle stated that the grant may increase if curbside recycling is chosen. Dollars
104 from the increased grant and what the City would no longer have to pay to maintain the drop-
105 off center could be used to offset the cost of the residents' portion of recycling. If the City doesn't
106 incur any additional expense Mr. Engle stated he would support the City paying the residents
107 portion for recycling.

108
109 Councilor Barker asked Mr. Hanculak again if Council has a good, viable reason for rejecting the
110 bids.

111
112 Mr. Hanculak reminded Mr. Barker that the City reserves the right to reject all bids as he
113 mentioned earlier. And in effect Mr. Hanculak added, several cogent reasons have already been
114 given that support the rejection in the event bidders question the action that Council has taken
115 tonight.

116
117 **MOTION**

118 **Mrs. Spraggins moved, Mr. Molnar seconded, to authorize the service director to rebid a**
119 **contract for 5-years for residential solid waste collection disposal and recycling services**
120 **within the City.**

121
122 **Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins,**
123 **Nays: Tulley**
124 **The motion carried.**
125

126 Mrs. Tulley stated she hopes the bids come in lower or at the very least, what they were before
127 this rejection. Mrs. Tulley asked Mr. Crevar if he understands Council's intent this time so there
128 is no chance the bids will have to be rejected for a second time.

129
130 Mr. Crevar asked for clarification relative to several areas. First, the original bid was for 5-years
131 with another five-year option. Adding the five year option keeps the price down. Mrs. Spraggins

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132 had told him however that she just wants only a five-year bid. Is that was the other Council
133 members want he asked? As far as the other aspects of the original bid he thought everything was
134 relatively clear except for the fact that the senior citizen discount was left out as was the cost of
135 the City's dumpsters. Two of the contractors bid on the City's dumpsters, the other opted not to
136 saying that there was no charge for the dumpsters. This meant that the bidder who opted not to
137 bid on city dumpsters passed the cost onto the residents. The primary issue in this contract was
138 recycling. Two options were offered: a drop-off location and curbside. Regarding the age for
139 seniors does Council want the contractors to determine the age Mr. Crevar asked to which Mr.
140 Engle answered that the City should define the age? Mr. Engle also told Mr. Crevar to include
141 the 5-year option in the new bid.

142
143 Mrs. Tulley added that the age for senior citizen discount should be consistent with the age
144 qualification (65) relative to the City's senior's refuse subsidy program.
145

146 **ORD. NO. 37 -2009**

147 AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS TO THE CITY OF
148 MACEDONIA A PROPOSED AMENDMENT TO SECTIONS 4.01, 4.02, 3.03(b1), 4.08, 4.09,
149 4.10, 6.09, 7.05, 8.06, 9.05, 10.04, 11.02, 12.04, 13.06, 13.07, 14.02 OF THE CHARTER OF
150 THE CITY REDUCING THE NUMBER OF COUNCILMEN FROM 6 TO 5, ELIMINATING
151 THE MAYOR'S VOTE TO BREAK TIES, AND RELATED SECTIONS AFFECTED
152 THEREBY was **offered** by Mr. Barker for its **third reading by title** only. Second not required.
153

154 Mrs. Spraggins moved, Mr. Barker seconded, to **amend Ordinance No. 37-2009 Section 2**
155 read: "That in the event any of the foregoing amendments to the City Charter are approved by the
156 majority of the electors voting thereon at the municipal election of November 3, 2009, such
157 amendments shall become a part of the Charter of the City of Macedonia and shall become
158 effective at the municipal election to be held November 4, 2013 and shall thereby take effect
159 January 1, 2014 as provided therein; and the present existing sections or part sections of said
160 Charter shall thereby be deemed repealed as they are affected.

161
162 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
163 Nays: None
164 The motion carried
165

166 Mr. Barker moved, Mrs. Spraggins seconded, to **adopt ORD NO. 37-2009**, and post same
167 according to law.

168
169 Roll call: Ayes: Barker, Molnar, Spraggins, Tulley
170 Nays: Engle, Martin,
171 The motion carried. **ORD. NO. 37-2009, adopted**
172

173 Relative to ORD. NO. 37-2009 the following statements were made prior to the action that was
174 taken.
175

176 Former Mayor Migliorini commended the Charter Review Commission, Council and Mayor
177 Kuchta regarding to this year's review process. Mr. Migliorini stated changing the number of
178 council seats has been on the ballot on two previous occasions. Each time it was for the purpose
179 of increasing the number of council members to seven. Each time it was on the ballot it failed
180 Increasing the number was meant to provide an additional vote thereby removing the Mayor's
181 ability of breaking tie votes. It will be interesting Mr. Migliorini stated to see this time how the
182 general public will perceive reducing the number to five. Reducing government is not necessarily
183 a bad thing Mr. Migliorini stated. In some respects it's more positive and therefore may be more
184 acceptable to Macedonia residents. Mr. Migliorini said he has always been a proponent of
185 separating the legislative and administrative sides of the government. However, there needs to be
186 a complete separation of powers not just in a limited area of the Charter. For purposes of clarity,
187 Mr. Migliorini encouraged that more consideration be given to the duties and responsibilities of
188 the administrative and legislative side of government so that there is truly equalization of these
189 functions.
190

191 Chuck Loparo, resident and member of the Charter Review Commission asked Council to place
192 each of the Commission's recommendations on the ballot. He asked that politics and personal
193 motives not be part of Council's deliberation. Those voting to keep recommendations from the
194 ballot do so purely for self interest he stated. Let the voters decided what changes should be made
195 Mr. Loparo added.
196

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197 Mayor Kuchta agrees that administrative and legislative business is too intertwined in Macedonia
198 Mayor stated. Macedonia's lawmakers interfere with the administrative duties and responsibilities
199 as they relate to the day to day operations of the City. This also includes the management of its
200 personnel. The boss should be the boss Mayor Kuchta stated. There should not be several of
201 them.

202
203 Councilor Barker stated as chair of the Charter Review Commission he found the experience
204 insightful, gratifying and a privilege. The Commission knew that reducing the size of Council
205 would be a challenging concept to sell. The primary reason for introducing the odd number is to
206 provide a very real delineation between the two branches of government. Streamlining the
207 members to five, reducing government as it were also makes a positive statement about less
208 government instead of more he added. The current administration had nothing to do with the
209 Commission's reasoning for reducing the number. Mrs. Spraggins had asked the Commission
210 Mr. Barker stated to considering increasing the number to seven as the way of eliminating the
211 Mayor's ability to break tie votes. Adding more members seemed counterproductive given the
212 question has been on the ballot on two separate occasions and failed both times. Also increasing
213 the cost of government, albeit small did not seem logical to the Commission he added.

214
215 Council President Engle interjected that he supports separating legislative and administrative
216 responsibilities. However reducing Council to five does not really address that issue. It is
217 unrealistic to assume he said that reducing the number guarantees that there will no longer be tie
218 votes. There will always be times during the legislative process Mr. Engle stated that the urgency
219 or immediacy of an issue requires that the administrator cast his vote. One only has to look at the
220 senate to see that the vice-president of the United States has the responsibility of breaking ties.
221 Mr. Engle feels reducing Council to five raises the potential for gridlock. What the Commission
222 has proposed will cripple Council's ability to function and perhaps even paralyze City functions.
223 Mr. Engle feels if limiting council members to five is that important to the Commission than so
224 be it. However, he feels the mayor should still have the ability and responsibility of breaking tie
225 votes. As an attorney and having worked on corporate issues, the ability of breaking ties has been
226 a vital component in that process and really no difference than in regards to the functions of
227 municipality.

228
229 Councilor Spraggins stated many other legislative bodies have an odd number of members. The
230 odd number whether more or less eliminates mayoral power in legislative matters. Macedonia
231 has always had a very strong mayor's form of government. The mayor is the head of the
232 administration; he presides at meetings of Council and the Planning Commission and has veto
233 power. Mrs. Spraggins is not concerned about stagnation or gridlock. Council will be forced to
234 build consensus Mrs. Spraggins stated once power held by the mayor is passed on to them. But in
235 the event a tie should result she added, then the issue will fail for lack of a majority.

236
237 Council Tulley applauds the reduction in the size of Council. Unlike Mr. Engle she not foresee
238 the problems he describes. Mrs. Tulley's opinion is that Council would perhaps work more
239 cohesively knowing their actions were contingent on one another.

240
241 Councilor Martin stated as chairman of the previous Charter Review Commission, it is his
242 opinion that if it is not broke, don't try to fix it. The story of Macedonia as been a story of
243 success he said. The current proposal is radical. Yet no one really can say at this point what the
244 effects of that change will be. In fact the logic of this proposal has been based on the faulty
245 premise that government is being streamlined. What the real message Mr. Martin stated is that
246 government is being reduced for the sole purpose of reducing ones ability to participate. In
247 addition there would be fewer to represent Macedonia's residents. What in essence is being said
248 he stated is that government wants less participation, not more and that it wants less
249 representation, not more? This proposal also diminishes the power of the mayor. The executive
250 is a very effective position and of the utmost importance in Macedonia. As Mrs. Spraggins had
251 stated, Macedonia has always had a strong mayor form of government. In Mr. Martin opinion it
252 should remain so because it is the mayor who is present every day and who daily deals with the
253 functions and operations of the City. Another negative Mr. Martin feels it that political factions
254 would result if there were fewer members of Council.

255
256 Councilor Spraggins interjected that she supports a strong mayor form of government as she
257 stated earlier. The executive should have the sole power of hiring and firing employees of the
258 administration as long as the dollars for those positions have been appropriated. Council's role is
259 legislative and budgetary. That being said, she also supports streamlining the number of Council
260 members to five. In her opinion the proposal better balances the power of the two separate
261 branches of government. Gridlock will not result as Mr. Engle fears. More efficiency will result
262 in Mrs. Spraggins' opinion. If the voters approve reducing council to five members she

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263 suggested to Council members Molnar and Tulley that they initiate Charter amendments to
264 eliminate confirmation by Council relative to administrative employees so that in fact there is
265 truly a separation of power.

266

267 **ORD. NO. 38-2009**

268 AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS TO THE CITY OF
269 MACEDONIA A PROPOSED AMENDMENT TO SECTIONS 3.02 AND 4.02 OF THE
270 CHARTER REQUIRING RESIDENCY OF 2 YEARS IMMEDIATELY PRECEDING THE
271 ELECTION FOR MAYOR AND COUNCIL, CHANGING THE MINIMUM AGE
272 REQUIREMENT FOR MAYOR FROM 25 TO 21 AND PROHIBITING COUNCIL
273 MEMBERS FROM HOLDING OTHER ELECTED PUBLIC EMPLOYMENT was **offered** by
274 Mr. Barker for its **third reading by title** only. Second not required.

275

276 Mrs. Spraggins moved, Mr. Barker seconded to **amend ORD. NO. 38-2009, Section 2** to read;
277 “That in the event any of the foregoing amendments to the City Charter are approved by the
278 majority of the electors voting thereon at the municipal election of November 3, 2009, such
279 amendments shall become a part of the Charter of the City of Macedonia and shall become
280 effective at the municipal election to be held November 4, 2011 and shall thereby take effect
281 January 1, 2013 as provided therein; and the present existing sections or part sections of said
282 Charter shall thereby be deemed repealed as they are affected.

283

284 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

285

Nays: None

286

The motion carried

287

288 Mrs. Spraggins moved, Mr. Barker seconded to **amend ORD. NO 38-2009** relative to Section
289 3.02 and 4.02 to read in part: “Not precluding an elected precinct chairperson of any party from
290 serving as an elected official of the City of Macedonia”

291

292 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

293

Nays: None

294

The motion carried.

295

296 Mr. Barker moved Mr. Molnar seconded to **adopt ORD. NO. 38-2009, as amended** and post
297 same according to law.

298

299 Roll call: Ayes: Barker, Tulley

300

Nays: Engle, Martin, Molnar, Spraggins

301

The motion failed. **ORD. NO. 38-2009 failed**

302

303 Relative to ORD. NO. 38-2009, prior to the action taken above the following discussion was held.

304

305 Councilor Molnar stated while he has total respect for the time and dedication put forth by the
306 Charter Review Commission it is obvious that the amendment relative to residency is a result of
307 his election and the question of his residency. Mr. Molnar personally believes that if residents
308 want to vote for individuals who have lived in the City just one day then that should be their
309 prerogative. Who is Council to tell voters who they should vote for he said Hilary Clinton is a
310 wonderful example of a person who lived in New York for one day before qualifying to run for
311 the US senate. At the local level, it seems illogical to Mr. Molnar that government should be so
312 narrow-minded. Mr. Molnar added that in his case he was not trying to find a loop hole. His
313 intentions were honorable and civic minded. He felt he could serve the community and therefore
314 should be entitled to do so. With regards to the reducing the mayor’s age requirement from 25 to
315 21 Mr. Molnar felt the age should have been reduced to 18. If young men and woman can serve
316 in military duty, than they should be able to serve their country at every levels of political
317 involvement.

318

319 Councilor Barker responded to Mr. Molnar by stating that the Charter Review Commission could
320 have removed the residency requirement entirely but thought it an important aspect relative to
321 qualifications. The Commission’s main concern was clarifying the time frame. The word
322 “immediately” was added just before the phrase “...prior to the date of his election.” so that in the
323 future there would be no question. Mr. Molnar never came to a Charter Review Commission to
324 express the opinion that he has tonight. Perhaps had he, the recommendation relative to residency
325 may not have even been made Mr. Barker stated.

326

327 Councilor Tulley interjected added the intent of the amendment was to truly clarify the language
328 so that there are no further challenges. Mr. Molnar’s challenge was not the first she stated so it is

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329 only logical that during this most recent review of the Charter that an opportunity was provided
330 for making the intent of the language clearer.

331

332 Discussion was also had about the proposed amendment which would prohibit persons holding
333 elected public offices from holding office in Macedonia. Under the proposed language there is the
334 potential of a precinct chairman being precluded from running for local office, In as much as
335 Council is non-partisan and no party affiliation is declared this proposal seems illogical because
336 there is no correlation between the role and functions of precinct chairman who is solely
337 responsible for running the polls for their respective party and that of an elected municipal
338 official in a non-partisan community. What was the reason for amending this provision several
339 members of Council asked?

340

341 Councilor Barker answered that the Charter Review Commission felt the Charter should be
342 clearer with regards to who can hold an elected offices particularly if one is employed in the
343 public sector. The current Charter can be construed that individuals holding certain public
344 positions are precluded from serving as mayor or as a member of Council. He for an example is a
345 public employee who was appointed to his position not unlike Mrs. Spraggins who also works in
346 the public sector in an appointed, not elected to her position. Some see our employed positions as
347 being in conflict with the elected position held as members of City Council Mr. Barker stated.

348

349 Mr. Hanculak responded in regards to a precinct chairman that elected public employment means
350 someone who attained public employment through an election. In as much as a precinct chair is
351 an unpaid position than there is no relevance in the proposed change with regards to this specific
352 position.

353

354 **ORD. NO. 39-2009**

355 AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS TO THE CITY OF
356 MACEDONIA A PROPOSED AMENDMENT CREATING A NEW SUBSECTION 11.03 OF
357 THE CHARTER OF CITY OF MACEDONIA PROVIDING AN APPEAL RIGHT FROM
358 DECISIONS OF THE BOARD OF ZONING APPEALS TO CITY COUNCIL was **offered** by
359 Mr. Barker for its **third reading by title** only. Second not required.

360

361 Mrs. Spraggins moved, Mr. Molnar seconded seconded, to **adopt ORD NO. 39-2009**, and post
362 same according to law.

363

364 Roll call: Ayes: None
365 Nays: Barker, Engle, Martin, Molnar, Spraggins, Tulley
366 The motion failed. **ORD. NO. 39-2009 failed.**

367

368 Relative to ORD. NO. 39-2009 and before taking action the following discussion was held.

369

370 Councilor Barker had explained that this specific recommendation was made by a member of the
371 Charter Review Commission who felt residents who appear before the Board of Zoning and
372 Building Code Appeals should have another layer of appeal before having to resort to the expense
373 of the legal system, that is, having the opportunity to appeal the BZA's denial to Council before
374 filing with the Court of Common Pleas

375

376 Councilor Tulley questioned the logic of providing another level of appeal when the BZA's
377 authority to make final decisions is vested within the Charter. Why give the BZA authority, if
378 their authority can be usurped she asked?

379

380 Councilor Engle thought this recommendation gives Council too much judicial power.

381

382 Councilor Martin stated that this recommendation is harmful in the sense that it diminishes the
383 authority and responsibility of the BZA. The BZA was created as an independent board for the
384 express purpose of hearing denials from the Planning Commission without further ramifications
385 or reprisals.

386

387 Ed Morris, resident and member of the Planning Commission agreed that if an appeal to Council
388 is necessary, then the question should be should the ordinance being interrupted be reviewed. If
389 there is that much ambiguity within the ordinance Mr. Morris stated than it doesn't matter if it is
390 the Planning Commission, the BZA or Council who considers the appeal because not one of them
391 can effectively interrupt the intent of the local statue.

392

393

394

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395 **ORD. NO. 40 -2009**

396 AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS TO THE CITY OF
397 MACEDONIA A PROPOSED AMENDMENT TO SECTION 12.01 OF THE CHARTER OF
398 CITY OF MACEDONIA RELATING TO THE REMOVAL OR TERMINATION OF THE
399 POLICE AND FIRE CHIEFS was **offered** by Mr. Barker for its **third reading by title** only.
400 Second not required.

401

402 Mr. Barker moved, Mr. Molnar seconded, to **amend ORD. NO. 40-2009, Section 3 due to a**
403 **typographical error in order for that ballot language to correctly read as follows:** "Shall
404 Section 12.01 of the Charter of the City of Macedonia be amended so as to eliminate the
405 entitlement of the Police and Fire Chiefs to return to their previously-held rank after the removal
406 or ~~determination~~ resignation as Chief."

407

408 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

409

Nays: None

410

The motion carried.

411

412 Mr. Barker moved, Mr. Molnar seconded, to **adopt ORD NO. 40-2009, as amended**, and post
413 same according to law.

414

415 Roll call:

Ayes: Barker, Engle, Molnar, Spraggins, Tulley

416

Nays: None

417

Abstention: Martin

418

The motion carried. **ORD. NO. 40-2009, adopted, as**

419

amended.

420

421 Relative to ORD. NO. 40-2009 and before action was taken the following discussion was held.

422

423 Councilor Barker explained that the recommendation to remove the last sentence of Section 12.01
424 came from the Civil Service Commission who had requested this amendment during the review
425 of the Charter in 1999 and then again in 2004. Mr. Barker further explained that the Charter
426 Review Commission was advised that the authority relative to permitting the police or fire chief
427 or any member of rank for that matter to return to work at a lower rank than previously held lies
428 solely with the Civil Service Commission.

429

430 Assistant Law Director Hanculak confirmed that Macedonia's Civil Service Rules and
431 Regulations prevail and provide the only opportunity for a Civil Service employee who
432 voluntarily wishes to be reduced in rank to be entitled to regain the position they previously held
433 prior to their promotion. This entitlement is not given under the authority of the administration or
434 Council but under the auspices of the Civil Service Commission and the rules and regulations of
435 the State of Ohio. Removing the last sentence as has been recommended eliminates jurisdictional
436 issues, the current conflict that exists between the Charter and Macedonia Rules and Regulations
437 and the problem that resulted in the past with regards to removal of the former fire chief Mr.
438 Hanculak added.

439

440 **RECESS - At 8:50pm, Mr. Barker moved, Mr. Martin seconded, motion carried**
441 **unanimously on a voice vote to recess for five minutes. At 8:55pm Council reconvened.**

442

443 **ORD. NO. 41-2009**

444 AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS TO THE CITY OF
445 MACEDONIA A PROPOSED AMENDMENT TO SECTIONS 14.01 AND 14.02 OF THE
446 CHARTER OF CITY OF MACEDONIA RELATING TO CHANGING THE TITLE OF THE
447 CHIEF BUILDING OFFICIAL TO BUILDING COMMISSIONER was **offered** by Mr. Barker
448 for its **third reading by title** only. Second not required.

449

450 Mr. Spraggins moved, Mr. Barker seconded, to **amend ORD. NO. 41-2009, Exhibit A, relative**
451 **to Section 14.01 to read in part as follows:** "...The Municipal Engineer shall be a registered
452 professional engineer in the State of Ohio and shall perform such duties as may be prescribed by
453 the Mayor ~~and/or~~ at the direction of the Building Commissioner..."

454

455 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

456

Nays: None

457

The motion carried.

458

459 Mr. Barker moved, Mr. Engle seconded, to **adopt ORD NO. 41-2009, as amended**, and post
460 same according to law.

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461

462

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

463

Nays: None

464

The motion carried. **ORD. NO. 41-2009, adopted, as amended.**

465

466

467

Relative to ORD. NO. 41-2009, and prior to action the following discussion was held.

468

469

Councilor Barker had stated this amendment was proposed to provide consistency with regards to the change in title of the head of the building department from Chief Building Official to Building Commissioner. Macedonia's ordinances already reflect the change. The Charter now needs to reflect the change.

470

471

472

473

474

Councilor Spraggins however expressed concern not with changing the terminology relative to the title of the head of the building department but with the fact that the Building Commissioner is being given additional authority over the city engineer. In Mrs. Spraggins' opinion the Mayor needs to retain direction and authority over the engineer or the office of the engineer, if the service is contracted as it is now. The engineer, regardless of whether in-house or a contracted service needs to remain answerable to the Mayor she added.

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481

Mr. Hlad interjected the office of the mayor; unless the position is held by a former engineer does not have the expertise to supervise the function of the engineer. It is vital Mr. Hlad stated that the head of the building department oversee the functions of the engineering albeit in conjunction with the office of the mayor.

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ORD. NO. 42 -2009

487

AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS TO THE CITY OF MACEDONIA A PROPOSED AMENDMENT TO SECTIONS 3.01 OF THE CHARTER OF CITY OF MACEDONIA ESTABLISHING THE MAYOR'S COMPENSATION was **offered** by Mr. Barker for its **third reading by title** only. Second not required.

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492

Mrs. Spraggins moved, Mr. Barker seconded to **amend ORD. NO. 42-2009, Section 1 (c)** to read: "...effective December 1, ~~2010~~ 2011.", and **Section 3** to read: "...beginning December 1, ~~2010~~ 2011.",

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Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

497

Nays: None

498

The motion carried

499

500

Mr. Martin moved, Mr. Engle seconded, to **adopt ORD NO. 42-2009, as amended**, and post same according to law.

501

502

503

Roll call: Ayes: Barker, Tulley

504

Nays: Engle, Martin, Molnar, Spraggins

505

The motion failed. **ORD. NO. 42-2009 failed.**

506

507

Relative to ORD. NO. 42-2009, and before action was taken the following discussion was held.

508

509

Councilor Molnar stated although he agrees that the salary of the mayor should be increased he does not necessarily agree with the formula put forth in the Charter amendment as the method to achieve an increased level of compensation. The amendment is too vague Mr. Molnar stated. He would however support a more comprehensive amendment.

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514

Councilor Tulley agreed. There is too much ambiguity in the proposed language. Mrs. Tulley believes the intent is good in that the Mayor's compensation should be more equitable with regards to the responsibilities and functions of the position compared to that of the department heads. Mrs. Tulley doesn't feel that this amendment is the best way to achieve that end. While the Mayor's salary should be established by Charter Mrs. Tulley believes there is better methodically in determining the amount than what has been presented.

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520

521 Councilor Spraggins agreed too. The current language has just too many variables and can be
522 construed or misconstrued too many ways for it to be an effective measure in determining the
523 Mayor's compensation. Mrs. Spraggins believes the Mayor's salary should be increased. Mrs.
524 Spraggins feels however that the increase should be through councilmatic action and she
525 challenged Council to consider action before the 2011 election.

526

527 Councilor Martin interjected that he believes that the Mayor's compensation should lay solely
528 with the legislators. Compensation is not a Charter issue in Mr. Martin's opinion. In addition, it
529 is an affront to so many who are struggling financially to speak of salary increases during this
530 economic downturn he added.

531

532 Councilor Engle agreed. The Charter should not provide salaries. The Charter provides the
533 general governance of the City. Mr. Engle supports increasing the salary of the Mayor, but at
534 some future date and to a lesser degree than what's been proposed.

535

536 Joseph Migliorini, resident and former mayor of Macedonia stated that for too many years
537 increasing the level of compensation relative to the mayor's position has been put aside. The
538 mayor's position should be the highest paid and serious consideration should be given to raising
539 the mayor's pay. Giving Council the authority to increase the mayor's salary is too political Mr.
540 Migliorini stated. The mayor's pay should be set by Charter. The proposed Charter amendment
541 was headed in the right direction. The amendment he agreed has too many variables. Perhaps a
542 better approach he said would have been setting a dollar amount or a percentage. Mr. Migliorini
543 asked Council not to dismiss the amendment. Let the voters decide if they want the mayor to be
544 the highest paid position in the City he stated.

545

546 **RES. NO. 46-2009**

547 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO
548 IMPLEMENT SECOND QUARTER TRANSFERS BETWEEN CERTAIN FUNDS was **offered**
549 by Mr. Molnar and moved Council waive the requirement that it be read by title on three different
550 days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Barker.

551

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

555

556 Mr. Molnar moved, Mr. Barker seconded, to **adopt RES NO. 46-2009**, and post same according
557 to law.

558 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
559 Nays: None
560 The motion carried. **RES. NO. 46-2009, adopted**

561 **ORD. NO. 47-2009**

562 AN EMERGENCY ORDINANCE REQUIRING THE AUDITOR AND TREASURER OF
563 SUMMIT COUNTY TO ADVANCE FUNDS FOR CITY OF MACEDONIA FOR TAX YEAR
564 2008 PAYABLE IN 2009 was **offered** by Mr. Molnar and moved Council waive the requirement
565 that it be read by title on three different days, instructing the Clerk to read it by **title only for all**
566 **three readings**. Second by Mr. Barker.

567

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

571

572 Mr. Molnar moved, Mr. Barker seconded, to **adopt ORD. NO. 47-2009**, and post same according
573 to law.

574 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
575 Nays: None
576 The motion carried. **ORD. NO. 47-2009, adopted**

577 **ORD. NO. 48-2009**

578 AN EMERGENCY ORDINANCE ESTABLISHIN THE FUND 261-FEMA was **offered** by Mr.
579 Molnar and moved Council waive the requirement that it be read by title on three different days,
580 instructing the Clerk to read it by **title only for all three readings**. Second by Mrs. Tulley.

581

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

585

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586 Mr. Molnar moved, Mrs. Tulley seconded, to **adopt ORD. NO. 48-2009**, and post same
587 according to law.

588

589 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

590 Nays: None

591 The motion carried. **ORD. NO. 48-2009, adopted**

592 **RES. NO. 49-2009**

593 A RESOLUTION CONFIRMING THE APPOINTMENT OF KEN GREER TO THE PARKS &
594 RECREATION COMMISSION **offered** by Mr. Molnar and moved Council waive the
595 requirement that it be read by title on three different days, instructing the Clerk to read it by **title**
596 **only for all three readings**. Second by Mr. Engle.

597

598 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

599 Nays: None

600 The motion carried

601

602 Mr. Molnar moved, Mr. Engle seconded, to **adopt RES. NO. 49-2009**, and post same according
603 to law.

604 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

605 Nays: None

606 The motion carried. **RES. NO. 49-2009, adopted**

607 **RES. NO. 50-2009**

608 A RESOLUTION REGARDING SUMMIT COUNTY INTERGOVERNMENTAL
609 MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND
610 TAX REVENUE SHARING **offered** by Mr. Martin and moved Council waive the requirement
611 that it be read by title on three different days, instructing the Clerk to read it by **title for all three**
612 **readings**. Second by Mr. Engle.

613

614 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

615 Nays: None

616 The motion carried

617

618 Mr. Martin moved, Mr. Engle seconded, to **adopt RES. NO. 50-2009**, and post same according
619 to law.

620 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley

621 Nays: Martin

622 The motion carried. **RES. NO. 50-2009, adopted**

623

624 **MOTIONS OR OTHER LEGISLATIVE ACTIONS:**

625

626 ~ See Ordinance No. 35-2009

627

628 ~ Mrs. Spraggins moved, Mr. Barker seconded, to cancel Council's regular meeting of August 13
629 for the purpose of summer recess.

630

631 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley

632 Nays: None

633 The motion carried

634 **CORRESPONDENCE:** None

635

636 **PUBLIC COMMENTS:**

637

638 Sunwook Jin of 8519 Park Ridge Lane suggested that the new refuse/trash bid include curbside
639 recycling and that the bins for recycling be on rollers for senior city center. Mr. Jin also
640 suggested the refuse/trash from City Center, Recreation Center and service buildings not be
641 segregated out of the bid, that the dumpsters from the City be included in the residents' cost.

642

643 Jeffrey Fesler of 9559 Ledge Acres criticized Council's concept of senior citizen. Mr. Fesler
644 also criticized Council for re-bidding. The only area that should have been rebid he said was
645 curbside recycling. "Do you really think they are going to make drastic changes now that they all
646 know what they other guys bid?." he asked. The drop off area at the Recreation Center is no
647 longer effective he stated. More residents and non residents are using the bins and they are just
648 not emptied often enough. Mr. Fesler credits Service Director Crevar for cleaning up bags left
649 alongside the bins when the bins are full. Council needs to act responsibly and support curbside
650 recycling. Saying seniors will be inconvenienced or that it is too costly are no longer legitimate
651 reasons.

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652

653 Mayor Kuchta added that recycling became more popular, more convenient for residents when
654 the recycling bins were moved from behind the barns in Longwood Park to their current location.
655 Residents have become more receptive to recycling and more have asked for recycling to be at
656 the curbside. Recycling at the Recreation Center has proved to be costly for Macedonia even
657 with the grants the City receives he stated. This may be the time to accept the fact that more
658 residents recycle than in years past and that they prefer to do so at their curbside.

659

660 **MAYOR'S REPORT:**

661

662 "The year is going by quickly and has been a good year as far as the
663 weather goes. Thank goodness that we have not experienced some of the
664 catastrophic blasts of nature that some have had to endure. Tragedy's such
665 as flooding and tornados can devastate communities and families. My
666 thoughts are almost always dominated by concern when we get a severe
667 storm warning. Most people will look out their window and see raindrops
668 and snowflakes falling. After becoming a Mayor you see dollar signs
669 falling! The "kind" weather has allowed construction to continue on
670 schedule and that is very good news. The Route 82 Bridge is gone. It has
671 been replaced by a new bridge. The new bridge will not be dropping black
672 gobs of gook on your just washed and waxed car. The new bridge will
673 alleviate the traffic backups to the Twinsburg City line. The new bridge
674 will enhance our appeal to people buying homes, and businesses to soar.
675 For a home or a business it is all about location, location, location.
676 Clogged roads are a hindrance and a detriment to all of that. The new
677 Route 82 and I-271 interchange creeps closer to allowing us to cut in half
678 the time it took to go to the Turnpike or to get to Akron. The new South
679 Freeway Drive is so great that you could probably drive it balancing a
680 glass of water on your hood! To have all of this happening in a tough
681 economic time is uplifting and gives us all hope that there will be better
682 times coming. It seems that we only always hear the bad. Sometimes it
683 seems that we are only told the bad, because bad news sells. This is not a
684 shot at the media. It is more of a shot at us as people. We are the ones that
685 have changed over the years. I remember a time when the worst thing that
686 could happen in High School was to lose a football game to your rival, not
687 being killed by a maniac.

688

689 RITA stands for the Regional Income Tax Agency. About 5 years ago we
690 switched from collecting our taxes in house to using RITA. The cost of
691 them doing our tax was to be about 3% of the total tax collected. Some
692 said that this was a dumb move and that we could do it cheaper in house.
693 However there was a "in between the lines" policy that the more taxes
694 RITA collected, the less it costs a participating municipality. This worked
695 out to our cost for every \$100 collected for Macedonia, only \$1.86 went to
696 RITA for the administrative cost of collections, registration, auditing,
697 compliance, and record retention, which leaves the balance for things like
698 our fire, police, street repairs and on and on. This also leads to a REFUND
699 of \$80,105 put into our account on June 30th of this year. In a year of an
700 "every penny counts" economy this is fantastic news. Looking back now
701 we can say that this was a wise move for the City and thank goodness the
702 naysayer did not prevail! Change is always a hard thing to do. But
703 sometimes change leads to evolution and efficiency.

704

705 Budget negotiations in Columbus have had dueling House and Senate
706 hearings. Video Lottery Machines are thought to be a source of 900
707 million dollars. It causes us to have much stress when this kind of revenue
708 or rather the lack of may cut Local Government Spending.

709

710 LGF is critical to Macedonia and all of the municipalities because it helps
711 us to pay the bills. If we ever would lose the funding we get from the State
712 it would have a profound effect on our budget. With the way entities like
713 our City Are looking at possible decreases in City Income Tax because of

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714 the loss of employees in our town, loss of LGF, even a partial loss, is a
715 very scary thing. While we are on the subject of Tax, I was congratulated
716 the other day for being tied with Twinsburg for the lowest Real Estate
717 taxes in the communities rated by Cleveland Magazine. The amazing part
718 is that we managed to do this without an automobile manufacturing plant
719 or any hospital facilities. Those are very big producers of City Income Tax
720 which is paid by the employees. To be rated that well is a testimonial to
721 elected officials caring about your taxes.

722

723 COMMITTEE REPORTS

724

725 Planning Commission Mr. Martin announced that the Planning Commission meeting of July
726 27 has been canceled.

727

728 Finance Committee Mr. Molnar announced the next finance meeting will be held Thursday,
729 July 16 at 6pm.

730

731 Parks & Recreation Commission Mr. Molnar announced the next P&RC meeting is
732 Tuesday, July 21 at 7pm. The meeting will be held in Council Chambers instead of at the
733 Recreation Center. The public is encouraged to attend as a presentation is being made by the
734 Longwood YMCA with regards to their proposal relative to collaboration of the functions and
735 activities of the YMCA and the Recreation Center.

736

737 Northfield-Macedonia Cemetery Board Mrs. Tulley announced the next meeting of the
738 Cemetery Board is Tuesday, July 14 at 6pm. The public is welcome to attend. The meeting is
739 held in the historic building on the cemetery grounds.

740

741 DEPARTMENT REPORTS

742

743 Service Department Mr. Crevar reported that SASWMA, the Summit Akron Solid Waste
744 Management Authority is providing a free shedding day of confidential papers for Summit
745 County residents and business owners on Saturday, July 18. The event is being held at the
746 Macedonia Family Recreation Center between the hours of 9am and noon rain or shine. There is
747 a limit of 10 file boxes or shopping bags per person. In addition to the 18th, the event is also
748 being held on August 15 in the City of Green, on the 19th of September in Akron and in Norton
749 on October 24. Complete information about the exact location and time of the SASWMA
750 sponsored events is posted on the City's website Mr. Crevar added. SASWMA is collecting non-
751 perishable food items for the Akron Food Bank on the day of the event he added.

752

753 Building Department Mr. Hlad reported the removal of the old bridge and rails went well and
754 that the SR82 widening remains on schedule. Regarding the South Freeway Drive project Mr.
755 Hlad announced that the last surface course of asphalt was laid and that marking the street has
756 been completed.

757

758 Engineer's Report Mr. Hill was not present

759

760 Recreation Department Ms. Gmerek reported that Camp Macedonia, the Recreation Center's
761 youth day camp is full for the 4th consecutive week. Only six of the 80 spots remain open for
762 next week's camp she added. The 2009 Sports Summer Classic is a grass volley tournament that
763 is being held on Saturday, July 18 in Longwood Park beginning at 10am. This event like last
764 year's is being cosponsored with VolleyFreak.com. The second annual Movie in the Park is
765 being held Saturday, August 7 from 9pm-11pm. Families are encouraged to bring their blanket
766 and lawn chairs to enjoy the free family movie Kung Fu Panda. Membership sales for the month
767 of June Ms. Gmerek announced totaled 269 packages compared to 162 packages during the same
768 time period last year.

769

770 Finance Department Mr. Sengstock reported that the audit is still underway. In the absence
771 of a director of finance every effort is being given he added to maintain to unity and continuity
772 with the department.

773

774 Fire Department Chief Black left the meeting early for the reason of reporting to an
775 emergency call.

776

777 Police Department Chief Golden reported the police department is experiencing an increase
778 in financial crimes due primarily to current economic conditions. The chief advised residents to
779 keep their vehicle doors locked and their homes secure. Residents need to be cognoscente of

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780 their surroundings. Residents should report suspicious activities in their neighborhoods or what
781 appear different or strange while their out shopping.

782

783 **Law Department** Mr. Hanculak had no report.

784

785 **Unfinished business** None

786

787 **New business** None.

788

789 **EXECUTION SESSION**

790

791 **At 9:45pm Mr. Engle moved, Mr. Barker seconded to adjourn into Executive Session for**
792 **the purpose of discussing contract negotiations and Personnel.**

793

794 **Roll call: Ayes: Barker, Engle, Martin, Molnar Tulley, Spraggins**

795

Nays: None

796

The motion carried.

797

798 **At 10:20pm Council reconvened into their regular session and there being no further business**
799 **before Council, adjourned their meeting at 10:21pm**

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804