

Regular Council

March 12, 2009

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4 Presiding Officer, Mayor Donald Kuchta called the March 12 regular meeting of Macedonia City
5 Council to order at 7:33pm.

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7 **Present:** Council members' Shane Barker David Engle, Kenneth Martin, Nicholas Molnar,
8 Peggy Spraggins and Janet Tulley; Assistant Law Director Thomas Hanculak and
9 Council Clerk Josephine Arceci

10 **Absent:** None

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12 **PLEDGE OF ALLEGIANCE** led by Council President David Engle was followed by an invocation
13 led by Councilor Janet Tulley

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15 Mayor Kuchta asked for moment of silence in the memory of Honorable Judge Glen Morgan who
16 died earlier this month. Glen Morgan was the first law director of newly incorporated City of
17 Macedonia. He served as Macedonia's law director for 16-years. Judge Morgan retired from the
18 Summit County Court of Common Pleas in 1995 after which he served as a visiting Summit
19 County Juvenile Court judge. Judge Morgan is survived by his wife Marianne and children Craig
20 Morgan and Cheryl Herlichy. The Mayor also asked for prayers for the speedy and full
21 recoveries of Theresa Mrak and Lori Ripley.

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23 **FINANCIAL REPORT** Mr. Molnar moved, Mr. Engle seconded acknowledging receipt of
24 Finance Report dated January 31, 2009 as submitted by the interim director of finance.

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

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

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32 Mr. Molnar moved, Mr. Engle seconded for **ORD. NO. 3 -2009: AN EMERGENCY**
33 **ORDINANCE PROVIDING FOR THE 2009 ANNUAL APPROPRIATIONS to remain at its**
34 **second reading** [First reading January 8, 2009]

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

39 **ORD. NO. 15-2009**

40 AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY
41 ZASHIN & RICH CO., L.P.A FOR LEGAL SERVICES RELATIVE TO CERTAIN
42 EMPLOYEE CONTRACT ISSUES was **offered** by Mr. Molnar and moved Council waive the
43 requirement that it be read by title on three different days, instructing the Clerk to read it by **title**
44 **only for its second and third readings.** Second by Mr. Engle

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

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50 Mr. Molnar moved, Mr. Engle seconded, to **adopt ORD. NO. 15-2009**, and post same according
51 to law.

52 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
53 Nays: Martin
54 The motion carried. **ORD. NO. 15-2009, adopted**

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56 **Motion to reconsider ORD. NO. 15-2009 offered by Mr. Molnar, seconded by Mr. Engle.**

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

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62 Mr. Molnar moved, Mr. Engle seconded to **amend ORD. NO. 15-2008, Section 1** to read "...in
63 the amount of ~~Six Thousand Four Hundred Fifty Six Dollars and One Cent (\$6,456.01)~~ Thirteen
64 Thousand One Hundred Fifty Eight Dollars and One Cent (\$13,158.01)

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66 Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
67 Nays: None
68 The motion carried. **ORD. NO. 15-2009 previously adopted,**
69 **amended after reconsideration**

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71 **RES. NO. 18-2009**

72 A RESOLUTION RATIFYING THE APPOINTMENT BY THE MAYOR OF STEPHEN VAN
73 NESS TO THE POSITION OF FULL-TIME SERGEANT was **offered** by Mrs. Spraggins and
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moved Council 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. Spraggins moved, Mr. Engle seconded, to **adopt RES. NO. 18-2009**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried. **RES. NO. 18-2009, adopted**

Relative to RES. NO. 18-2009, Sgt. Van Ness thanked Mayor Kuchta, Chief Golden and Council for his promotional appointment. Sgt. Van Ness introduced his family and friends who attended.

RES. NO. 19-2009

A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF PAUL CLEMENTS TO THE POSITION OF FULL-TIME PATROLMAN was **offered** by Mrs. Spraggins and moved Council 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. Spraggins moved, Mr. Engle seconded, to **adopt RES. NO. 19-2009**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried. **RES. NO. 19-2009, adopted**

Relative to RES. NO. 19-2009, Mayor Kuchta sworn-in Ptl. Clements. Ptl. Clements, a Marine and father of five introduced his wife Jill and children and other members of immediate and extended family.

Chief Golden interjected that Ptl. Clements has actively served the Marines for 17-years. As a Marine, Ptl. Clements is a gunner sergeant. Ptl. Clements fills the position vacated as a result of promotional appointment of Sgt. Van Ness.

ORD. NO. 20-2009

AN EMERGENCY ORDINANCE CONFIRMING THE APPOINTMENT OF ANNA TOMASEK MUSSON AS DIRECTOR OF FINANCE FOR THE CITY OF MACEDONIA was **offered** by Mr. Molnar and moved Council 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. Molnar moved, Mr. Engle seconded, to **adopt ORD. NO. 20-2009**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried. **ORD. NO. 20-2009, adopted**

Relative to ORD. NO. 20-2009, Ms. Musson thanked Mayor Kuchta and Council for her appointment to director. Ms. Musson has a Master of Public Administration, Public Management from University of Kentucky and an undergraduate degree in political science and public policy management. Ms. Musson is a Certified Public Financial Administrator, Certified Public Financial Investment Manager and an Ohio Public Manager. Ms. Musson has over 8-years of

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145 municipal finance experience having worked for the cities of Williard, Upper Arlington and

146 Ashland. Ms. Musson and her husband Chad will likely move to Macedonia as it is Ms.

147 Musson's philosophy that any financial decision she makes should impact her as well.

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149 **MOTIONS OR OTHER LEGISLATIVE ACTIONS:** None

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151 **CORRESPONDENCE:**

152 ~Letter of appreciation from Gabrielle Marosi of 32985 Charmwood Oval, Solon, Ohio, to Chief

153 Jon Golden regarding the kindness, efficiency and professionalism extended to her by Sgt. Brian

154 Gontz and Ptl. Ryan Gaydosh when her car was disabled on IS271.

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156 **PUBLIC COMMENTS:** Toni Zobol of 512 Blue Jay Trail mentioned that she wrote the Nordonia

157 School Board as well as several members of Council regarding the new high school athletic

158 complex. Ms. Zobol fears the new configuration of the athletic fields will negatively impact her

159 property value as well as quality of life due to the proximity of her home to the complex. The

160 new football stadium is going to be very close to her property line, only 75 feet. Noise and

161 lighting are her primary concerns. She is aware that the preliminary plans have been approved by

162 the Planning Commission but wondered if lightening had been addressed. Ms. Zobol attended

163 this evening's meeting believing school officials were making a presentation before Council.

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165 Mayor Kuchta responded to Ms. Zobol that a Blue Jay, Wren neighborhood meeting was held

166 with school officials and according to what the Mayor was told there was little opposition from

167 residents relative to the proposed plans. The Mayor told Ms. Zobol the greatest impact Blue Jay

168 properties will have, the one aspect of the plans that most residents have a concern with is the

169 new parking area. Mayor Kuchta assured Ms. Zobol that many aspects of project have yet to be

170 given final approval. Regarding certain aspects of the plan school officials will have to appear

171 before the Zoning Board of Appeals he added. Mayor Kuchta told Ms. Zobol that Macedonia's

172 Planning Commission and Nordonia school officials and school board members are making every

173 attempt to minimize any impact on the residents of the Pierce Bennet subdivision. There has

174 always been an athletic facility and activities on the south and west sides of Nordonia High

175 School Mayor Kuchta stated. Admittedly the footprint and configuration are different then they

176 were. But the overall impact to Blue Jay residents should not be that remarkable he added.

177 Mayor Kuchta encouraged Ms. Zobol to attend the presentation relative to the complex that is

178 being made before the Nordonia School Board on Monday, March 16.

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180 Council President Engle apologized to Ms. Zobol because he as well as his fellow council

181 members expected a presentation this evening too.

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183 Mayor Kuchta apologized and confirmed that as late as this morning school officials were still

184 being asked to attend. However, in light of Planning giving preliminary approval and the fact that

185 the school board had not yet seen the presentation, school officials declined Macedonia's

186 invitation. In part the Mayor was told because of frugality, not wanting to pay architects to

187 attend yet another meeting and because Council had the option of attending the March 16 school

188 board presentation.

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190 Councilor Martin told Ms. Zobol that Planning Commission addressed lighting specifically with

191 regards to the Pierce Bennett subdivision. Regarding noise he said, the level will not be any

192 different than what residents have experienced over the years the athletic facility has abutted their

193 properties. The plans are not final he assured Ms. Zobol. This project will have varied levels of

194 oversight from the City Planner Brian Frantz and Kelly Luecke of GPD as well as from the Army

195 Corp of Engineers and the EPA. The construction timeline is an important and costly factor Mr.

196 Martin stated. The timetable of this project is the reason why some action has already been taken

197 he stated. Mr. Martin assured Ms. Zobol that the steps and procedures thus far have been done

198 properly. That Planning Commission motions he has made have included various components

199 that must now be incorporated into the plans by virtue of his inclusions and documentation he

200 referenced within his motion.

201

202 Councilors Tulley and Spraggins still want school officials to make a presentation to Council

203 even if at a future date. Council owes it to its constituents to know the project plans firsthand

204 because of the questions they're fielding.

205

206 Mayor Kuchta said he has no intention of foreshadowing the school board and their authority.

207 The Mayor reiterated that a presentation is being made to the school board on March 16. Council

208 has been invited to attend. If they cannot, board meetings are televised on Cable 9.

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MAYOR'S REPORT: Attached.

COMMITTEE REPORTS

Planning Commission Mr. Martin reiterated that at Planning's March 9 meeting the Commission approved the preliminary plans of the high school's new athletic complex. Mr. Martin asked Mr. Hlad to display the plans in the City Center corridor for public inspection.

Park & Recreation Commission Mr. Molnar reported the next Commission meeting is Monday, March 16 at 7pm. The public was encouraged to attend the meeting held at the Family Recreation Center. Mr. Molnar encouraged residents to submit their names for consideration to the two vacancies that exist on the Commission.

Finance Committee Mr. Molnar announced a meeting will be held Thursday, March 19 at 6:30pm to finalize Council's recommendation relative to the 2009 appropriation budget that must be approved by March 31.

Charter Review Commission Mr. Barker reported that the Commission met March 10 although he unable to personally attend because of a flight delay. Mr. Barker thanked Mrs. Spraggins for attending and providing her recommendations in person. The Commission's next meeting is March 24 at 5:30pm. Everyone's input and/or recommendations continue to be encouraged and welcomed.

Western Reserve Cable Consortium Mrs. Tulley reported that the state has approved Time Warner's request to be released from the Consortium's agreement relative to franchise fees. The franchise fees fund local Cable 9 and their extensive programming Mrs. Tulley stated. Details relative to results of this action will be forthcoming Mrs. Tulley added. Mrs. Tulley displayed the 2008 Annual Report for Cable 9, which will be available for review at the reception desk of the City Center. Mrs. Tulley mentioned that Cable 9 was the 2008 Bronze Winner of the Telly Awards honoring outstanding local, regional and cable television commercials and programs, as well as honoring the finest video and film productions and work created for the web.

DEPARTMENT REPORTS

Service Department Mr. Crevar welcomed Ms. Musson to the staff. Mr. Crevar reminded residents to clear their ditches, culverts and low lying areas of debris to avert flooding from spring rains. Mr. Crevar mentioned that from March 6 - 9 rainfall measured 3.38 inches. Mr. Crevar reported that service crews are cold patching were necessary particularly in the areas of SR 8 north of SR82 and S. Freeway Drive. Mr. Crevar reminded motorists to be mindful of street work crews. Park crews he added trim street lawn trees in the Crow Drive area. Park crews are also prepping the soccer fields for spring play.

Councilor Tulley asked Mr. Crevar to explain to the public why D.O.E.S. trucks have been parked at the intersection of Crow and Berkshire to which Mr. Crevar answered that for reasons unknown ground water and/or stormwater is infiltrating sanitary sewer lines resulting in several flooded basements. As a precautionary measure D.O.E.S is pumping lines during high rainfall to avoid residential flooding.

Building Department Mr. Hlad also welcomed Ms. Musson to the City. Mr. Hlad reported that the Fabrizi Construction Company has begun the S. Freeway Drive project. The first phase of the project is the installation of a storm sewer system. The road paving will follow later in the year. GPD are the inspectors of this project. Mr. Hlad also reported that Kenmore Construction resumed their work on the bridge widening. WalMart is still scheduled to begin their expansion this spring although there are some issues for which they may have to appear before the Zoning Board of Appeals. Mr. Hlad thanked Chief Golden and his officers for their help regarding an incident that occurred at Macedonia Commons. Mr. Hlad explained that contractors working without permit refused to leave necessitating the police department's assistance.

Engineer Kelly Luecke of GPD, in Gene Hill's absence reported that she had attended a workshop sponsored by the Ohio Department of Natural Resources regarding FEMA's new flood insurance maps. The new maps become effective July 20. Ms. Luecke said that Macedonia's flood plain management ordinance will have to be amended in order for the City to remain compliant and for it to also continue to be part of the flood insurance program. Ms. Luecke mentioned she gleaned good information relative to residential notification about the map changes. Residents whose properties now fall into the mapping area or whose properties were

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280 removed will be noticed so they can lock in rates before the new 100-year flood plain map takes
281 effect or cancel their flood insurance.

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283 **Recreation Department** Ms. Gmerek acknowledged Grandma Rose Suchan, swimming
284 instructor extraordinaire who died last week at the age of 93. Swimming and instruction were
285 Grandma Rose's life Ms. Gmerek stated. Grandma Rose was loved by all age of swimmers. Ms.
286 Gmerek who did have the good fortune of meeting or working with Ms. Suchan was told that
287 Ms. Suchan requested that she be buried in her bathing suit.

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289 **Finance Department** Mr. Sengstock stated he looking forward to Ms. Musson's leadership and
290 direction.

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292 **Fire Department** Chief Black was not present.

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294 **Police Department** Chief Golden welcomed Ms. Musson as well to the staff. Chief Golden
295 thanked the Mayor and Council for the promotional appointment of Sgt. Van Ness and his
296 replacement Ptl. Clements. Chief Golden stated Sgt Van Ness replaced Sgt. Keith Obly who
297 retired February 22. Now that Sgt. Obly has retired he is doing what he has always loved to
298 doing Chief Golden stated, that is being a diversion officer, working with juveniles with first time
299 offenses. Chief Golden stated Sgt Obly his continuing his work through the Nordonia Hills
300 YMCA and the Phoenix Alternative Learning Environment, a program that puts him back at the
301 high school as a mentor, this time working with kids serving in-school suspensions. Lastly Chief
302 Golden mentioned there is a new internet scam purchasing boats or cars that actually do not exist.
303 Chief Golden warned residents that if a deal sounds too good to be true that it's probably not. A
304 Macedonia couple found the deal for a boat that did not exist. They were told their money was
305 guaranteed through a special EBay account when in fact there was no affiliation with EBay.

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

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309 **Unfinished business** Council President Engle asked Mr. Hanculak to have prepared by
310 Council's March 26 meeting guidance and instruction relative to the Lake Forrest situation and
311 the request that Mr. Noe and the Homeowner's Association has made of Council. Mr. Engle
312 stated he's not certain how Council can assist the residents of Lake Forrest. The answer to how
313 the situation got to where it is now really may not be answered Mr. Engle stated. Hopefully
314 documentation Mr. Hill will be reviewing will provide insight and resolution. If not, what can
315 done after the fact Mr. Engle questioned

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317 **New business** Councilor Tulley welcomed Custodian Rob Maye back to the Recreation
318 Center after successful shoulder surgery. Mrs. Tulley mentioned the passing of Grandma Rose
319 and reminisced about the Recreation Center's most memorable swimming instructor. Mrs. Tulley
320 also welcomed new Finance Director Anna Musson. Mrs. Tulley thanked Deputy Finance
321 Director Loren Sengstock for effectively filling the vacancy created by Mr. Brunot's resignation.

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323 With regards to another matter, Councilor Martin expressed disappointment that neither of the
324 local papers, the *NewsLeader* or the *Nordonia Sun* dedicated an article to the Honorable Judge
325 Glen Morgan, given his history and service to the City of Macedonia.

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327 There being no further business before Council, the meeting was adjourned at 8:50pm

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329 Mayor's Report

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332 At last Mondays planning commission meeting the very basic principal plat plan was approved
333 (with conditions) for the school's new athletic facilities. I don't want to steal thunder from Mr.
334 Martin's committee report for later, but I did want everyone to know that the approved plan is
335 going to be presented to the School Board at a public meeting next Monday night. Our Planning
336 Commission meetings are also open to the public and are on our meetings for the month schedule.

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338 I have been attending meetings of the Board of Trustees of the NEORS (North East Ohio
339 Regional Sewer district). There have been no changes to the plan as of yet to raise our sewer rates
340 9% in 2010, 9% in 2011, and 15 to 18 percent in 2012. They are still planning to also charge us a
341 storm water fee and we have not seen the final plan yet to understand if we will get any benefit at
342 all from the proposed increase. The increase has not been finalized either at this point. The figure

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343 of \$8.50/mo. was thrown out earlier. Interestingly our storm water committee (the DSCC) has
344 provided cost ranging up to \$12/QUARTER that would be able to make a significant impact on
345 Macedonia's problems and ALL of that money would be spent by Macedonia, on Macedonia. The
346 money for NEORSD would go north to fix their problems with only a miniscule amount coming
347 back. I hope to get information on the finalization of the NEORSD's Budget at a future meeting. I
348 have seen preliminary projections and find it hard to feel sorry for someone with projected revenue
349 of \$174.9 million having \$100.7 of expenses. I still think your best bang for the buck is your local
350 government. On a daily basis we have to try and give our residents as much service as we can with
351 the money allocated.

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353 More and more, with each passing day, we are approaching the start of construction season. Don't
354 forget construction will be causing some delays and detours.

355 Keep repeating to yourself that it will all be worth it when it's done.

356

357 The CRA (Community Reinvestment Abatement) committee met Tuesday evening and made sure
358 that any abatement to businesses the city awarded, were living up to their end of the deal. We have
359 two at this point that have been steadily performing as projected. That is good news because we
360 only have two until Cobra Plastics get going full swing to make the total CRA's be 3. Ohio
361 Material Handling and Ceiling System Design are definitely assets to our community in every way.
362 I would like to thank those people who give of themselves to be our watchdogs. I thank Joe Biber,
363 Mike Kronjak, Kevin Westbrooks, and Bob Westbrooks. Why do we watch to make sure they are
364 living up to the standards projected? Because... the City can withdraw the abatement if they are
365 not. Also at the meeting representing the Administration were Loren Sengstock and Lorri Flanigan
366 and of course the Mayor. All three of these businesses have built new buildings.

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368 It is spring and the Mayor's office is being inundated with puddling problems and water flooding.
369 We will try to continue to do our best with limited resources. Please keep in mind that it is against
370 the law to spend public money on private property. That's what Joe Migliorini said to me years
371 ago and my son and I tackle the job and I hired a contractor. 25 years later it still helps but I still
372 get soggy ground too.

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