

Regular Council

April 24, 2008

1 Presiding Officer, Mayor Donald Kuchta called the April 24 regular meeting of Macedonia City  
2 Council to order at 7:30pm.

3  
4 **Present:** Council members' Shane Barker, David Engle, Kenneth Martin, Nicholas  
5 Molnar, and Janet Tulley; Law Director Joseph W. Diemert, Jr. and Council  
6 Clerk Josephine Arceci

7 **Absent:** Council member Peggy Spraggins

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

11  
12 **MINUTES** Mr. Engle moved, Mr. Martin seconded, to approve the minutes of the regular  
13 meeting of February 27, 2008, as submitted by the clerk of council.

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15 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
16 Nays: None  
17 The motion carried

18  
19 **FINANCIAL REPORT** Mrs. Tulley moved, Mr. Engle seconded, acknowledging receipt of the  
20 Financial Report dated March 31, 2008 as submitted by the director of finance.

21  
22 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
23 Nays: None  
24 The motion carried

25  
26 **RECOGNITION / COMMENDATION** was made by Mayor Kuchta relative to Officer Joseph  
27 Kammer who retired April 19 after 22-years of service to the City of Macedonia Police  
28 Department. Sergeant Ennis also made a brief presentation regarding Officer Kammer.

29  
30 **INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

31 **RES. NO. 32 -2008**

32 A RESOLUTION ACKNOWLEDGING THE MAYOR'S APPOINTMENT OF DIANA L.  
33 JOHNSON AS THE ADMINISTRATIVE EXECUTIVE ASSISTANT TO THE MAYOR AND  
34 ESTABLISHING CERTAIN STARTING BENEFIT LEVELS was **offered** by Mrs. Tulley and  
35 moved Council to waive the requirement that it be read by title on three different days, instructing  
36 the Clerk to read it by **title only for its second and third readings**. Second by Mr. Engle.

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

41  
42 Mrs. Tulley moved, Mr. Engle seconded, to **adopt RES. NO. 32-2008**, and post same according  
43 to law.

44 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
45 Nays: None  
46 The motion carried. **RES. NO. 32-2008, adopted.**

47  
48 Relative to RES. NO. 32-2008, Mayor Kuchta thanked Council for confirming Ms. Johnson's  
49 appointment. The mayor feels Ms. Johnson background as a municipal executive assistant is a  
50 valuable assist to the function of his office.

51  
52 Mr. Molnar moved, Mr. Engle seconded, to **add to the agenda RES NO. 33-2008: A**  
53 **RESOLUTION SUBMITTING THE QUESTION OF REPLACING ALL OF AN EXISTING**  
54 **0.8 MILL TAX LEVY AND INCREASING THAT LEVY BY 0.2 MILL TO CONSTITUTE A**  
55 **TAX FOR THE PURPOSE OF FIRE PROTECTION SERVICES AND PAYMENT OF**  
56 **PERMANENT, FULL-TIME FIREMEN AT A RATE NOT EXCEEDING 1.0 MILL**  
57 **PURSUANT TO OHIO REVISED CODE SECTIONS 5705.19, 5705.191 AND 5705.192, AND**  
58 **DECLARING AN EMERGENCY**

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

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65 Mr. Molnar **offered RES. NO. 33-2008** and moved Council to waive the requirement that it be  
66 read by title on three different days, instructing the Clerk to read it by **title only for all three**  
67 **readings and to waive the 48-hour rule of Council.** Second by Mr. Barker.

68  
69 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
70 Nays: None  
71 The motion carried

72  
73 Mr. Molnar moved, Mrs. Tulley seconded, to **adopt RES. NO. 33-2008**, and post same according  
74 to law.

75 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
76 Nays: None  
77 The motion carried. **RES. NO. 33-2008, adopted**

78  
79 Relative to RES. NO. 33-2008, Finance Director Brunot explained that this legislation is the  
80 second step of a two step process that is necessary when placing a levy on the ballot. The first  
81 step Mr. Brunot stated was Resolution No. 26-2008 adopted by Council on April 10, 2008.  
82 Resolution No. 26-2008 deemed it necessary to replace the levy and instructed the County to  
83 certify the total current tax valuation of the City and the amount of revenue the levy will generate.  
84 The County supplied the necessary information. Resolution No. 33-2008 now allows the question  
85 to be placed on the ballot. Mrs. Arceci must file both resolutions plus the County's Certificate of  
86 Estimated Property Revenue with the Summit County Board of Elections no later than May 22 at  
87 4pm for a Special Election to be held this year on August 5 he added..

88  
89 **ORD. NO. 34-2008**  
90 AN ORDINANCE ACCEPTING THE DEDICATION OF A STANDARD EASEMENT FROM  
91 THE DEVELOPER OF MARY MARIA AT SUMMIT POINTE FOR THE INSTALLATION  
92 AND MAINTENANCE OF A WATER MAIN FOR THE PURPOSE OF SUPPLYING WATER  
93 SERVICE RELATIVE TO ALEXIS DRIVE was **offered** by Mr. Martin and moved Council to  
94 waive the requirement that it be read by title on three different days, instructing the Clerk to read  
95 it by **title only for all three readings.** Second by Mrs. Tulley.

96  
97 Roll call: Ayes: Barker, Engle, Martin, Molnar,, Tulley  
98 Nays: None  
99 The motion carried

100  
101 Mr. Martin moved, Mrs. Tulley seconded, to **adopt ORD. NO. 34-2008**, and post same according  
102 to law.

103 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
104 Nays: None  
105 The motion carried. **ORD. NO. 34-2008, adopted.**

106 **ORD. NO. 35-2008**  
107 AN ORDINANCE ACCEPTING THE DEDICATION OF A STANDARD EASEMENT FROM  
108 THE DEVELOPER OF MARY MARIA AT SUMMIT POINTE FOR THE INSTALLATION  
109 AND MAINTENANCE OF A WATER MAIN FOR THE PURPOSE OF SUPPLYING WATER  
110 SERVICE RELATIVE TO ANTONIA COURT was **offered** by Mr. Martin and moved Council  
111 to waive the requirement that it be read by title on three different days, instructing the Clerk to  
112 read it by **title only for all three readings.** Second by Mrs. Tulley.

113  
114 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
115 Nays: None  
116 The motion carried

117 Mr. Martin moved, Mrs. Tulley seconded, to **adopt ORD. NO. 35-2008**, and post same according  
118 to law.

119 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
120 Nays: None  
121 The motion carried. **ORD. NO. 35-2008, adopted.**

122 **ORD. NO. 36-2008**  
123 AN ORDINANCE ACCEPTING THE DEDICATION OF A STANDARD EASEMENT FROM  
124 THE DEVELOPER OF MARY MARIA AT SUMMIT POINTE FOR THE INSTALLATION  
125 AND MAINTENANCE OF A WATER MAIN FOR THE PURPOSE OF SUPPLYING WATER  
126 SERVICE RELATIVE TO JENNIFER LANE was **offered** by Mr. Martin and moved Council to  
127 waive the requirement that it be read by title on three different days, instructing the Clerk to read  
128 it by **title only for all three readings.** Second by Mrs. Tulley.

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129 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
130 Nays: None  
131 The motion carried  
132

133 Mr. Martin moved, Mrs. Tulley seconded, to **adopt ORD. NO. 36-2008**, and post same according  
134 to law.

135 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
136 Nays: None  
137 The motion carried. **ORD. NO. 36-2008, adopted.**  
138

139 Relative to ORD. NOS. 34, 35 & 36-2008, Engineer Tufts explained that all the easements relate  
140 to the senior development located immediately south of the City Center and that is currently  
141 under construction. The easements are in regards to private streets and thus the reason that a  
142 portion of each must be accessible to the City of Cleveland Division of Water and the City of  
143 Macedonia.  
144

145 **ORD. NO. 37-2008**

146 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
147 CONTRACT WITH REPUBLIC WASTE SERVICES EXTENDING THE CURRENT  
148 CONTRACT FOR CURBSIDE RUBBISH COLLECTION FOR AN ADDITIONAL ONE (1)  
149 YEAR BEGINNING JULY 1, 2008 AT THE SAME TERMS AND CONDITIONS WITH THE  
150 NECESSITY OF ADVERTISEMENT AND BIDDING was **offered** by Mrs Tulley and moved  
151 Council to waive the requirement that it be read by title on three different days, instructing the  
152 Clerk to read it by **title only through Section 1 for all three readings**. Second by Mr. Molnar.  
153

154 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
155 Nays: None  
156 The motion carried  
157

158 Mrs. Tulley moved, Mr. Molnar seconded, to **adopt ORD. NO. 37-2008**, and post same  
159 according to law.

160 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
161 Nays: None  
162 The motion carried. **ORD. NO. 37-2008, adopted.**  
163

164 Relative to ORD. NO 37-2008, Mayor Kuchta explained that the weekly collection rate remains  
165 as it was last year. The only difference in cost is in the form of a \$.50 (fifty-cent) monthly fuel  
166 surcharge. The contract states that the surcharge may be accessed to each property owner. This  
167 cost the mayor added in obviously a result of increased fuel costs which business owners have no  
168 recourse but to pass on to consumers. Mayor Kuchta spoke highly of Republic Waste Services  
169 and the excellent service they provide the City. The mayor mentioned that Republic Waste  
170 Services speaks highly of Macedonia because its residents promptly remit their quarterly  
171 statements.  
172

173 **MOTIONS OR OTHER LEGISLATIVE ACTIONS:**

174  
175 ~~ Mr. Barker moved, Mr. Engle seconded, authorizing the Police Department to accept the  
176 donation of one (1) Audio HD VCR value at One Thousand Dollars (\$1,000) from Chuck  
177 Chubbuck of  
178 C-Square Communications  
179

180 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
181 Nays: None  
182 The motion carried  
183

184 ~~ Mrs. Tulley moved, Mr. Engle seconded, authorizing the Director of Service to accept a 2008  
185 Community Access Grant in the amount of Five Thousand Dollars (\$5,000) from Summit/Akron  
186 Solid Waste Management Authority.  
187

188 Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley  
189 Nays: None  
190 The motion carried  
191

191 **CORRESPONDENCE** None  
192

193 **PUBLIC COMMENTS**

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194 Resident Sam Chieffalo representing the Villa Lago Homeowner's Association presented a  
195 petition to Council containing 71 signatures which stated the following, "We, the members of the  
196 Villa Lago Homeowners Association, respectfully petition the City of Macedonia to maintain our  
197 streets, roadways and cul-de-sac throughout the Villa Lago Development; and further, to provide  
198 snowplow services during the winter season." Mr. Chieffalo mentioned that there are 62  
199 families, 250 residents within the Villa Lago subdivision almost all of whom are new to the area.  
200 While the residents are aware they moved into a private subdivision, they feel the City can  
201 provide better, more reliable snow removal services than what is being provided by private  
202 contractors hired by the Homeowner's Association. The Association feels Villa Lago roads meet  
203 code specifications and therefore should be dedicated like Macedonia's other subdivisions. .  
204

205 Villa Lago resident John Shimko mentioned that he has witnessed four different school buses skid  
206 off the road because of slippery road conditions. He asked the mayor and Council to consider  
207 the Homeowner's request.  
208

209 Mayor Kuchta advised Messrs Chieffalo and Shimko that their petition will be forwarded to the  
210 law department. The law director will advise the administration whether the Homeowner  
211 Association's request is feasible.  
212

213 With regards to another matter, Laurel Drive resident Sharon Triffon asked Mayor Kuchta why if  
214 stop signs were used on Summer Road to control traffic and why they cannot be used on Laurel  
215 Drive to do the same to which the mayor answered that the stop signs are used to control speed,  
216 not traffic. Relative to the Manor House, Ms. Triffon expressed disappointment with the current  
217 and past administrations in that in her opinion little effort has been made to save Mayor Frew  
218 Long's home. Mayor's Long home is a unique building for which Macedonia should be very  
219 proud she said. Neighboring communities have nothing to compare to it. The building could be  
220 made practical for use by senior citizens or other small groups she said. She asked if the City has  
221 applied for grants to save it she asked.  
222

223 Mayor Kuchta assured Ms. Triffon of his sensitivity to her feelings about Macedonia's history.  
224 The issue however is very complex he stated. Mayor Long donated his home and property but  
225 not a trust to maintain it. Over the years several volunteer organizations tried valiantly to make  
226 the necessary improvements, to return it to its former glory. The cost of restoration and  
227 renovations however proved too costly and frankly just too much for local organizations to take  
228 on. Their vision was well intended the mayor added. To use the building for public purpose the  
229 mayor told Ms. Triffon requires that the building have additional exits, it requires ADA  
230 accessibility and bathroom upgrades. The roof needs to be replaced and there is a wall that is  
231 bowed. The bottom line the mayor stated is that the structure is unsound and unsafe for  
232 occupation.  
233

234 Councilor Barker told Ms. Triffon that Macedonia's senior citizens already have a place to meet  
235 in Community Room of the City Center. Seniors already meet there the first Monday of every  
236 month he added. Even if the City received a philanthropic donation to save the Manor House Mr.  
237 Barker said, the size of the building limits its usability. It pains every member of Council Mr.  
238 Barker said that there is not City revenue to provide for the restoration or upkeep of a home that  
239 has such significance to so many. For one he has encouraged Council to make a decision one  
240 way or the other about saving the Manor House and/or making a memorial to Mayor Long and  
241 his home. Mr. Barker's philosophy has been he said "fish or cut bait". Realistically however, as  
242 legislators, Council's primary responsibility is to determine the best, most responsible way to  
243 spend taxpayers' dollars. Safety, roads and services are always first and foremost. Only when  
244 there are discretionary funds available, which Macedonia hasn't had in a very long time he said,  
245 that it is possible to allocate to special interests such as the Manor House.  
246

247 Councilor Tulley interjected that historic grants are out of the question because the Manor House  
248 has been modernized several times over the years and therefore cannot receive historic  
249 designation. Both volunteer organizations applied for grants but came up dry for this reason she  
250 stated. Each group had numerous fund raisers and secured several sponsors. The revenue and  
251 services each generated just wasn't enough she added.  
252

253 Ms. Triffon asked Mayor Kuchta how the City found the resources to restore the old power  
254 station at the corner of SR 8 & 82 to which the mayor answered Ohio Edison was responsible for  
255 that restoration, not Macedonia.  
256

257  
258 **MAYOR'S REPORT.** See end of this document  
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**COMMITTEE REPORTS**

**Audit Committee**, Mrs. Tulley reported that the Committee is having an interim meeting Wednesday, April 30 at 6pm for the purpose of a mid point review of the City's finances.

**Northfield-Macedonia Cemetery** Mrs. Tulley reported that the Trustees will be meeting Saturday, April 26 to prepare the 2008 budget, which will be presented to all the communities for approval on May 8, 2008.

**DEPARTMENT REPORTS**

**Service Department** Mr. Crevar reported that all curbed streets and municipal lots will be swept by a professional street sweeping company this week. Mr. Crevar mentioned that only 2 of the 8 N. Bedford Road culverts being replaced have yet to be done. Paving of the road will begin once their completed he added.

**Building Department** Mr. Tufts was present. See end of this document for his report.

**Recreation Department** Ms. Gmerek thanked Papa John's of Macedonia for their donation of pizza for the families who where housed in the Macedonia Family Recreation Center because of the mandatory evacuation following the Harper Road explosion. Ms. Gmerek also thanked her staff who stayed beyond their shifts to help coordinate children arriving in school buses, the added pet population and for making sure that the residents who had to call the Recreation Center home for six hours where made comfortable.

**Finance Department** Mr. Brunot had no report.

**Fire Department** Chief Black thanked Council for allowing the fire replacement levy to be placed on the ballot at a special election on August 5. The Firefighter's Association is going to do a better job this time around of informing residents about the need and the cost of levy the chief said. Residents are entitled to making an educated decision and hopefully the information the Association provides will allow them to do just that he added. With regards to the Harper Road explosion, the chief said that once it was determined there were no injuries the fire department presence at the scene was in support capacity only. The area was a crime scene and thus under the jurisdiction of the departments of law enforcement; police, sheriff and ATF. Chief Black commended the Summit County Bomb Squad and well as all the departments (Macedonia's service and recreation included) who responded or who became a part of the event.

**Police Department** Sergeant Gary Ennis in Chief Golden's absence also thanked all the departments mentioned by Chief Black. Sergeant Ennis was in command the day of the explosion as Chief Golden and Lt Yakovich were out of the City attending a training seminar.

**Law Department** Mr. Diemert had no report.

**Unfinished business** None.

**New business:** None.

There being no further business before Council, the meeting adjourned at 8:30pm

**Mayor's Report  
April 24, 2008**

We have already experienced road congestion from the Route 82 Bridge and road widening. Some people were very concerned that road repairs were done without notification. That was not the case. That was the Gas Company working in their right-of-way and that can be done without even notifying the City. So we actually were actually unaware of what was transpiring also. However, this does re-iterate the need to look for alternate routes. We will be designating specific detours that will be official but I would still suggest that you do some exploring to find what works best for you. May is right around the corner, and a lot of activities will more than likely start before the official ground breaking. The ground breaking is scheduled for May 28 at 2:30PM. We were told that ODOT wants the new bridge built by October 2008! That means that the pressure will be on the Contractor and we will soon be seeing a flurry of activity there at the bridge. Remember that we will have our Congressman Steve LaTourette at the ground breaking, along with local elected officials, and Summit County officials and the Head of

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329 ODOT, Eric Czetli. On this same subject My Staff and I have come to the conclusion that  
330 because of the amount of construction and resulting congestion that we won't be having  
331 the "Concert in the Park" in memorial Park and there will be no fireworks or community  
332 days until the massive road construction allow us to get back to normal. The good news is  
333 that we will be planning a celebration that will be better than ever at the conclusion of the  
334 most disrupting project this City has ever seen.  
335

336 Tuesday afternoon at about 1:30PM Macedonia experienced an explosion that rocked our  
337 neighborhoods. In the back yard of 620 Harper black powder was being mixed and it  
338 exploded. It left a crater the size of a car's hood. The home received extensive damage to  
339 the back of it and surrounding homes had damage from shrapnel. The incident drew  
340 attention from all the media and from all levels of government. It appears to have been a  
341 illegal business and it is in the hands of the Federal Government at this time. This is the  
342 important part...no one was hurt. It also was a display of the outstanding safety services  
343 of our community. They were on scene almost immediately and it was textbook Disaster  
344 management from the very beginning. Many are aware of the talent we have on our  
345 safety forces and unfortunately, many are not. This was their time to shine and they lived  
346 up to people's expectations and then some. Something we don't talk about when we think  
347 of policemen and firefighters is the training it takes to keep them at the top of the game.  
348

349 Our Fire Chief Tim Black and Fire Inspector had just return to service from training  
350 about explosives. This training allowed them to immediately recognize the equipment  
351 and materials present in that home which led to evacuation and the sealing off of the area.  
352 As it turned out there weren't any more explosions. However the possibility of many  
353 being killed or injured was lessened by their knowledge. There was more material in the  
354 house that could have led to that. I would be remiss if I did not mention the  
355 professionalism of our police during all of this, and I have to applaud the efforts of  
356

357 Sergeant Gary Ennis. His presence and control of the situation was outstanding. We also  
358 have the Summit County Sheriffs office and their bomb squad to thank for bringing the  
359 situation to a safe conclusion. I also want to thank the Safety Services that came from  
360 neighboring communities in an effort to give any type of assistance that was needed.  
361 With this kind of expertise and devotion to duty from our safety services I am very proud  
362 to be their Mayor and the Safety Director for Macedonia.  
363

364 I would like to bring up one other thing as Safety Director. I cannot understand why  
365 people would make obscene gestures at, and try to run over our service department  
366 employees. I have been saying for months that extensive road repairs will be underway. I  
367 have asked people to find alternate routes. Now I will be telling those foolish enough to  
368 continue to do these actions, that I have instructed my Service Department to record the  
369 vehicle license number, and the make of vehicle, and give it to the police department. I  
370 am also asking my Law Department to bring forth legislation that would double or triple  
371 the fines during construction of any of the infractions I have just mentioned. I am taking a  
372 hard line on this and would like to remind everyone that Macedonia has a Mayors Court.  
373 I would like to at least mention HB 521 which would reform and re-structure government  
374 in Ohio. The impact of this would continue to move voters into obscurity. Your local  
375 government takes care of you. Try and call the State to tell them about your storm water  
376 or traffic problems. I am hoping that they play very good music while you would be on  
377 hold. This is yet another example of your Cities "home rule" being diminished. The State  
378 has taken away our ability to control oil wells, residential building, and now threatens to  
379 do away with us totally.  
380

381 I would like to congratulate Eric Madar for being selected as a National Merit  
382 Scholarship Recipient. Eric is a Nordonia High School Senior. That deserves a big "atta  
383 boy".  
384

385 Just one last thing...I am asking you to please remember our local businesses need you as  
386 construction increases to the point of unbearable. These are our neighbors and friends and  
387 they need your help.  
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## MEMORANDUM

**Building/ Engineering/ Zoning Department**

(330) 468-8360 Fax: (330) 468-8396

TO: Josephine Arceci, Clerk of Council

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

DATE: April 24, 2008

Engineer's Report

**Major Infrastructure Reports:**

1. **SR 82 Widening, Phase 2:**

a. The utility relocations are underway; there is a me'ting scheduled for Monday morning to discuss relocation schedules with ODOT.

b. A preconstruction conference for the project is tentatively set for Wednesday, April 30, 2008.

2. **North Bedford Road:**

A preconstruction conference with the Kokosing Construction Co., Inc. was conducted on Friday, April 11<sup>th</sup>. The contractor anticipates start of work on our about May 1<sup>st</sup>.

**Building Department:**

Building plans are in review for a Starbucks Coffee Shop at 746 Aurora Road

cc: Mayor Don Kuchta

FT/pk