

Regular Council

September 25, 2008

1 Presiding Officer, Mayor Donald Kuchta called the September 25 regular meeting of Macedonia
2 City Council to order at 7:35pm.

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

7
8 **Absent:** Council member Kenneth Martin

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

12
13 **PRESENTATION** by Holly Miller and John Rutecki of Department of Development relative to
14 three programs - Housing Rehabilitation, Home Weatherization Assistance and First Home,
15 First Loan that Summit County offers to low to moderate income households All three programs
16 Ms. Miller stated fall under the umbrella of HUD. The Housing Rehabilitation Program Ms.
17 Miller explained offers financial assistance in the form of direct and deferred loans up to \$25,000.
18 Initial eligibility is based on household size, income and the overall condition and equity of the
19 home. Interest on loans range from 0% to 4% and is based primarily on the income of the
20 household. The Home Weatherization Assistance Program has been offered since 1989. The
21 program provides installation services as well as replacing heating systems and/or hot water
22 tanks. The program is federally funded by the Department of Energy and the Department of
23 Health and Human Services. Approximately 275 households throughout Summit County are
24 serviced through this program each year Ms. Miller stated. Eligibility is based on household
25 income at or below 150% of the federal poverty level Ms. Miller stated. The First Home, First
26 Loan Program is a first-time homebuyer down payment assistance program. The County will
27 provide a \$3 to \$1 match for any funds that a prospective buyer has to use towards the purchase
28 of a home. There are no monthly payments relative to this loan. The 0% deferred interest loan
29 is not due until the homebuyer no longer occupies the home as a primary residence, or the home
30 is sold or the property is transferred.

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

33
34 **ORD. NO. 67-2008:** AN EMERGENCY ORDINANCE AMENDING VARIOUS
35 PROVISIONS OF CHAPTER 761 OF THE CITY OF MACEDONIA'S CODIFIED
36 ORDINANCES PERTAINING TO PEDDLERS AND SOLICITORS was **offered** by Mr.
37 Molnar for its third reading by **title only** Second not required.

38
39 Mr. Molnar moved, Mr. Barker seconded, to **amend the first version of ORD. NO. 67-2008 to**
40 **conform with the second version introduced this evening, September 25, 2008**

41
42 Roll call: Ayes: Barker Engle, Molnar, Spraggins
43 Nays: Tulley
44 The motion carried

45
46 Mr. Molnar moved, Mr. Engle seconded, to **adopt ORD. NO. 67-2008, Version 2** and post same
47 according to law.

48
49 Roll call: Ayes: Barker, Engle, Molnar, Spraggins
50 Nays: Tulley
51 The motion carried. **ORD. NO. 67-2008, Version 2 adopted**

52
53 Relative to ORD. NO. 67-2008, Councilor Tulley stated she voted against amending various
54 provisions of the current law because Law Director Diemert has advised of the potential
55 unconstitutionality of some of the new provisions.

56
57 Mayor Kuchta instructed residents that if for any reason they are concerned persons canvassing
58 their neighborhood they should not hesitate to call the police department. Property owners are
59 permitted to display or post "No soliciting" signs he added.

60
61 **ORD. NO. 69-2008:** AN EMERGENCY ORDINANCE AMENDING ARTICLE VII OF THE
62 LEASE BY WAY OF CONCESSION BETWEEN THE CITY OF MACEDONIA AND 2CLUB
63 GOLF OF MACEDONIA, LLC was **offered** by Mrs. Spraggins its **third reading by title only**
64 Second not required.

65
66

Regular Council

September 25, 2008

67 Mrs Spraggins moved, Mrs. Tulley seconded, to **adopt ORD. NO. 69-2008**, and post same
68 according to law.

69 Roll call: Ayes: Tulley
70 Nays: Barker, Engle, Molnar, Spraggins
71 The motion failed. **ORD. NO. 69-2008 failed.**
72

73 **RES. NO. 79-2008:** A FINAL RESOLUTION RELATIVE TO THE RESURFACING OF
74 STATE ROUTE 8 was **offered** by Mrs. Tulley for its **second reading by title only**. Second not
75 required.

76 Relative to RES. NO. 79-2008, discussion was had regarding the City's financial share of the
77 \$1.1 million dollar project , the scope of the project as well as if SR 8 was going to continue to be
78 used as haul route for the IS271 project. Macedonia's share of \$225,882.00 or 20% of project
79 cost would not have been as high Engineer Gene Hill explained had it not been determined that a
80 50-year culvert just north of SR 82 has to be replaced because it is so badly deteriorated. The
81 City initial share was less than half that amount he added The scope of the project encompasses
82 SR8 north of SR82 to Macedonia's corporate line. Future hauling relative to the IS 271 project is
83 not anticipated Mr. Hill added However even if it happens Mr. Hill stated it is not likely ODOT
84 will factor the City's concern into their construction timetable.
85

86 Finance Director Brunot interjected ODOT normally requires the money be appropriated before
87 the project can be let. The City has appropriated the cost of the culvert replacement but not the
88 road repaving. ODOT has agreed to let the entire project in 2009 to provide Macedonia time to
89 appropriate the remaining portion of the City's cost in the 2009 budget.
90

91 **ORD. NO. 87-2008**

92 Mr. Barker moved, Mr. Engle seconded, to **table indefinitely ORD. NO. 87-2008:** AN
93 ORDINANCE AMENDING 151,01(b)(1) OF THE CODIFIED ORDINANCES OF THE CITY
94 OF MACEDONIA REGARDING THE COMPOSITION OF POLICE LIEUTENANTS IN THE
95 MACEDONIA POLICE DEPARTMENT
96

97 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
98 Nays: None
99 The motion carried. **ORD. NO. 87-2008 tabled indefinitely**
100

101 Relative to ORD. NO. 87-2008, Councilor Barker made it clear that he supports creating the
102 position of a second lieutenant. If he had not he would not have introduced the legislation he
103 said. There is no question he added that Macedonia's police department needs more personnel at
104 the leadership and entry levels. Unfortunately the reality is there is just not enough money in the
105 budget to support the cost of a second lieutenant in the near future and subsequent appointments
106 that may result.
107

108 **ORD. NO. 91-2008**

109 AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 38-2008 PASSED MAY 8,
110 2008 LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF, IN
111 COOPERATION WITH THE CITY OF TWINSBURG, SHEPARD ROAD BETWEEN
112 CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS AND REPLACING,
113 WHERE NECESSARY, PAVEMENT AND DRIVEWAY APRONS, ALL TOGETHER WITH
114 THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY
115 was **offered** by Mrs. Spraggins and moved Council to waive the requirement that it be read by
116 title on three different days, instructing the Clerk to read it by **title only for all three readings**.
117 Second by Mrs. Tulley.
118

119 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
120 Nays: None
121 The motion carried
122

123 Mrs. Spraggins moved, Mrs. Tulley seconded, to **adopt ORD. NO. 91-2008**, and post same
124 according to law.
125

126 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
127 Nays: None
128 The motion carried. **ORD. NO. 91-2008, adopted RES. NO. 92-**
129

2008

Regular Council

September 25, 2008

130 AN EMERGENCY RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
131 DETERMINED BY THE SUMMIT COUNTY BUDGET COMMISSION AND
132 AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE
133 SUMMIT COUNTY FISCAL OFFICER was **offered** by Mrs. Spraggins and moved Council to
134 waive the requirement that it be read by title on three different days, instructing the Clerk to read
135 it by **title only for all three readings**. Second by Mrs. Tulley.

136
137 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
138 Nays: None
139 The motion carried

140
141 Mrs. Spraggins moved, Mrs. Tulley seconded, to **adopt RES. NO. 92-2008**, and post same
142 according to law.

143 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
144 Nays: None
145 The motion carried. **RES. NO. 92-2008, adopted**

146 **RES. NO. 93-2008**

147 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO
148 IMPLEMENT TRANSFERS BETWEEN CERTAIN FUNDS was **offered** by Mrs. Spraggins for
149 its first reading by title only. Second not required.

150
151 **ORD. NO. 94-2008**

152 AN ORDINANCE AMENDING AND SUPPLEMENTING THE 2008 ANNUAL
153 APPROPRIATIONS ORDINANCE NO. 2-2008, AND DECLARING AN EMERGENCY was
154 **offered** by Mrs. Spraggins for its first reading by title only. Second not required.

155
156 Relative to RES. NO. 93 & ORD. NO. 94-2008, Finance Director Brunot questioned why each
157 was only offered for its first reading. By not adopting either piece of legislation this evening he
158 explained placed some of the funds in negative balances. The legislation is basically procedural
159 or what he described as boiler plate. Resolution No. 93-2008 simply authorizes third quarter fund
160 transfers, a quarterly expectation. Resolution No. 94-2008 provides balance between various
161 funds by increasing some and reducing others. The bottom line however does not change he
162 added, it remains the same.

163
164 Councilor Spraggins interjected that she was hesitate without of full explanation of each
165 amendment relative to Ordinance No. 94-2008.

166
167 Mr. Brunot provided an extensive explanation of Resolution No. 93-2008 and Ordinance No. 94-
168 2008 after which both were reconsidered.

169
170 **RECONSIDERATION of Resolution No. 93-2008 and Ordinance No. 94-2008**

171
172 Mr. Barker offered, Mr. Engle seconded, and moved Council to waive the requirement that
173 **RES. NO. 93-2008** be read by title on three different days, instructing the Clerk to read it by **title**
174 **only for its second and third readings**.

175
176 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
177 Nays: None
178 The motion carried

179
180 Mr. Barker moved, Mr. Engle seconded, to **adopt RES. NO. 93-2008** and post same according to
181 law.

182 Roll call: Ayes: Barker, Engle, Molnar, Tulley
183 Nays: Spraggins
184 The motion carried. **RES. NO. 93-2008, adopted**

185
186 Mr. Barker offered, Mr. Engle seconded, and moved Council to waive the requirement that
187 **ORD. NO. 94-2008** be read by title on three different days, instructing the Clerk to read it by **title**
188 **only for its second and third readings**.

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

193
194 Mr. Barker moved, Mr. Engle seconded, to **adopt ORD. NO. 94-2008**, and post same according
195 to law.

196 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
197 Nays: None
198 The motion carried. **ORD. NO. 94-2008, adopted**

Regular Council

September 25, 2008

199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266

ORD. NO. 95-2008

AN ORDINANCE CREATING A FEDERAL FIRE GRANTS FUND was **offered** by Mr. Barker and moved Council to waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mrs. Tulley.

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

Mr. Barker moved, Mrs. Tulley seconded, to **adopt ORD. NO. 95-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
Nays: None
The motion carried. **ORD. NO. 95-2008, adopted**

ORD. NO. 96-2008

AN AMENDMENT TO CHAPTER 135 BY ADDING SPECIAL ASSESSMENT RECORDS FEE was **offered** by Mr. Engle for its **first reading** by title only. Second not required.

ORD. NO. 97 -2008

CONTRACT WITH MAR-KING CONSTRUCTION, INC. FOR THE 2008 PAVEMENT MARKING OF CITY STREETS as **offered** by Mrs. Tulley and moved Council to waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Molnar.

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

Mrs. Tulley moved, Mr. Molnar seconded, to **adopt ORD. NO. 97-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
Nays: None
The motion carried. **ORD. NO. 97-2008, adopted**

98-2008

MACEDONIA OCCUPANCY PROGRAM GRANT (MOP) AGREEMENT WITH THE GIRL SCOUTS OF NORTHEAST OHIO was **offered** by Mrs. Tulley for its **first reading** by title only. Second not required.

Relative to ORD. NO. 98-2008, Councilor Tulley explained that the reason this legislation was given only its first reading is because Mrs. Spraggins' concern that the Macedonia Occupancy Program does not apply to nonprofits. Mrs. Tulley asked Mr. Diemert to review to the MOP enabling ordinance to determine if there is any validity to Mrs. Spraggins' concern.

Mrs. Spraggins interjected that the MOP legislation specifically states businesses. The Girl Scouts in Mrs. Spraggins' opinion is not a business. It is a non-profit organization and therefore should not qualify for a MOP grant.

Mr. Diemert interjected that sees no conflict with regards the terminology within the MOP ordinance and feels Girl Scouts of Northeast Ohio qualifies for the program.

Mr. Brunot added that Section 1 (2) of MOP ordinance states, "A company buying or leasing an existing vacant building shall be eligible to receive an annual grant payment . . ." The ordinance does not require the company to be for profit or a non-profit. The only requirement Mr. Brunot stated is that the company is incorporated. The Girl Scouts of North East Ohio is an incorporated non-profit Mr. Brunot added and therefore the MOP program is appropriate for the Girl Scouts. Mr. Brunot reminded Council how devastated the City was by Norandex's move to the City of Hudson. He also reminded Council that the Girl Scouts are just not going to be tenants, they are going to own the building. Seeing that a vacated building filled so quickly is a very good thing Mr. Brunot stated. Seeing Macedonia's other businesses benefit by the additional consumers the Girl Scout headquarters will generate is also a very good thing he added.

Mrs. Spraggins admitted while it is always better to fill a vacant building non profits do not pay property tax, so in this case the City receives no benefit nor does the school system. Particularly she added since the City will be giving up fifty percent of its income tax revenue for a period of eight years. Mrs. Spraggins questioned Mr. Brunot why the Girl Scouts' agreement states their income tax revenue will be reduced by 50% when Council was told at the time the original

Regular Council

September 25, 2008

267 enabling MOP was adopted that non tax revenue would be used to generate funds for the grants.
268

269 Mr. Brunot responded that the Girl Scouts' agreement does not state income tax revenue will be
270 reduced. The agreement states, "... a grant payment equal to no more than 50% of the total
271 payroll taxes paid..." This means Mr. Brunot stated that the grant cannot be more than 50% of
272 the amount of payroll taxes that are paid which is estimated to be \$60 thousand dollars. A
273 variety of non tax revenue sources equaling \$30 thousand dollars will be used to generate the
274 grant Mr. Brunot stated. The statute Mr. Brunot explained does not require the City to designate
275 from which non tax revenue sources the grant will be generated. The statute does however limit
276 the number of grants that can be issued from non tax revenue. Mr. Brunot explained the Girl
277 Scouts will be creating at least 10 new full-time jobs equaling a payroll of about \$250,000. At
278 the time of occupancy there will be 66 employees and the payroll is expected to be between \$2.7
279 and \$2.8 million dollars. The payroll is expected to grow very soon to above \$3 million he
280 added. This is important because the agreement is actually for 7 years. The eighth year is an
281 option year and is only granted if the payroll grows above and maintains a \$3 million dollar
282 threshold. The City will not be making the first MOP payment until February 2009 Mr. Brunot
283 stated.
284

285 Mayor Kuchta remarked given the poor nature of the real estate market he feels that is fortunate
286 for Macedonia that the Norandex building was purchased so quickly and by such a good well
287 thought of group. The City has to give up something in order to get something in return. That's
288 good business sense. The Girls Scouts are going to create a presence in Macedonia that is a
289 betterment for the community and that's good business sense as well he added. The Mayor
290 mentioned that local businesses who attended a recent seminar he held were more than pleased to
291 hear of the Girl Scouts were locating to Macedonia because of the ancillary business they'll
292 generate. Mayor Kuchta mentioned that Superintendent Wayne Blakenship called the mayor to
293 inform him that Mrs. Spraggins had called Mr. Blakenship to inform him about the Girl Scouts.
294 Was her call to Superintendent Blakenship intended to stir controversy Mayor Kuchta asked Mrs.
295 Spraggins?
296

297 Mrs. Spraggins stated there are many residents and business owners having a difficult time
298 paying their expenses and taxes she told the mayor. The City has to be sensitive to what is
299 happening to them too. This is also the first MOP agreement and therefore the City needs to
300 proceed with caution because of the precedent that is being set. Regarding Mr. Blakenship, as a
301 representative of Council she wanted Mr. Blakenship to be aware of the situation given the school
302 system will not be receiving real estate tax from the Girl Scouts' property. She asked Mr.
303 Blakenship to put in writing the school's position relative to the Girl Scouts as well as the matter
304 regarding 2Club Golf which Mr. Blakenship declined to do. Mrs. Spraggins asked Mr. Brunot if
305 the pay back provision of the agreement provides that the Girl Scouts remaining in the City for
306 more years than intended if terms of the agreement are not met.
307

308 Mr. Brunot answered that the pay back provision is limited to the term of the agreement. If the
309 agreement is breached within seven years, the Girl Scouts have 30 days in which to repay the City
310 the total amount of the benefits it received. Mr. Brunot reminded Mrs. Spraggins that the Girl
311 Scouts have made a long term commitment by the fact that they purchased the Norandex facility.
312 The Girl Scouts locating to Macedonia, Ohio and making their headquarters here is a really big
313 deal Mr. Brunot added.
314

315 **RES. NO. 99 -2008**

316 FINAL APPOINTMENT OF JAMES BUCKS TO PART-TIME FIREFIGHTER as **offered** by
317 Mr. Barker and moved Council to waive the requirement that it be read by title on three different
318 days, instructing the Clerk to read it by **title only for all three readings** Second by Mrs. Tulley.
319

320 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
321 Nays: None
322 The motion carried
323

324 Mr. Barker moved, Mrs. Tulley seconded, to **adopt RES. NO. 99-2008**, and post same
325 according to law.

326 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
327 Nays: None
328 The motion carried. **RES. NO. 99-2008, adopted**
329
330
331

Regular Council

September 25, 2008

332 **RES. NO. 100 -2008**
333 PROBATIONARY APPOINTMENT OF TIMOTHY BEST TO FULL-TIME FIREFIGHTER-
334 PARAMEDIC as **offered** by Mr. Barker and moved Council to waive the requirement that it be
335 read by title on three different days, instructing the Clerk to read it by **title only for all three**
336 **readings**. Second by Mrs. Tulley.

337
338 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
339 Nays: None
340 The motion carried

341
342 Mr. Barker moved, Mrs. Tulley seconded, to **adopt RES. NO. 100-2008**, and post same
343 according to law.

344 Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
345 Nays: None
346 The motion carried. **RES. NO. 100-2008, adopted**

347
348 Relative to RES. NO. 100-2008, Firefighter Best thanked Mayor Kuchta and Council for his
349 appointment. Mr. Best introduced his wife Amy and two young sons, Mason and Levi, his
350 parents and father-in-law. Mrs. Best asked to read a writing assignment entitled "I'm 31-Years
351 Old, Where will I be in 2010" that her husband wrote when he was an 8th grade student at the
352 Nordonia Middle School. The assignment read in part, that he (Mr. Best) was going to have
353 two exciting careers, that of a professional hockey player and a firefighter. Mrs. Best
354 emotionally thanked the Mayor and Council for allowing one of her husband's young dreams of
355 becoming a reality.

356
357 **MOTIONS OR OTHER LEGISLATIVE ACTIONS:**

358
359 ~~~Mr. Engle moved, Mr. Barker seconded, authorizing the Director of Service to advertise for
360 bids relative to road salt for 2008-2009

361
362 _____ Roll call: Ayes: Barker, Engle, Molnar, Spraggins, Tulley
363 Nays: None
364 The motion carried

365
366 **CORRESPONDENCE:** None

367
368 **PUBLIC COMMENTS:**
369 Chuck Loparo of Bradford Lane asked who is legally responsible for the maintenance and repair
370 of sidewalks, the City or property owner. He asked because city service crew who are currently
371 repairing a stretch of sidewalk on Crow Drive. Isn't it the property owners' responsibility for
372 fixing the sidewalk on their personal property Mr. Loparo asked? Given the financial condition
373 of the City shouldn't the City be charging property owners for the work that is being performed
374 by the service crew ?

375
376 Mayor Kuchta stated the City is replacing portions of the sidewalk where the City planted Maple
377 trees. The City is taking responsibility for making repairs where root systems have literally
378 uprooted the sidewalks. Property owners in those areas have been grandfathered because of the
379 damage caused by the Maple trees. The Mayor added that the Maple tree while beautiful their
380 root system is detrimental and for this reason is longer planted at street lawn.

381
382 **MAYOR'S REPORT:** Attached

383
384 **COMMITTEE REPORTS**
385 **Drainage and Sanitary Control Committee** Mrs. Tulley announced that a DSCC meeting
386 will be held Wednesday, October 1 at 7pm. The DSCC is finding ways to resolve the problem of
387 residential flooding that continues to occurs in various hot spots throughout the City. The DSCC
388 is also trying to find funding to finance the solutions.

389
390 Mrs. Spraggins interjected that she read in the DSCC minutes that CTI continues to attend DSCC
391 meetings. Mrs. Spraggins was under the impression that CTI performed all the work they were
392 contracted to do and that GPD took over.

393
394 Engineer Gene Hill answered that there remains some funding relative to the contract/purchase
395 order with CTI. CTI representatives will no longer be attending future meetings for the reason
396 Mr. Hill explained to use what remains on the account to pay CTI to prepare of report prioritizing
397 trouble spots.

398
399 **Western Reserve Cable Consortium** Mrs. Tulley announced the next meeting will be held
400 October 2. She advised cable subscribers to contact her with their concerns as there is always a

Regular Council

September 25, 2008

401 Time Warner representative at the monthly consortium meetings which Mrs. Tulley attends. The
402 major complaint Mrs. Tulley stated continues to be the cost of cable television and that fact there
403 is no viable cable competition
404

DEPARTMENT REPORTS

405
406
407 **Service Department** Mr. Crevar reported that rubbish collection relative to Ledge Road has
408 been delayed until after 9am so as not to interfere with school bus traffic. Mr. Crevar reported
409 that the \$20,000 worth of roof damage at the Twinsburg Road service garage that resulted from
410 last week's storm was covered by insurance.

411
412 **Building Commissioner** Mr. Hlad reported that the Mary Maria subdivision was proof
413 rolled today. Paving will begin next week. A temporary occupancy permit for Highland Point
414 Properties, a new 202,000sf building was issued today. Residents were reminded that signs
415 cannot be placed in the right-of-way. A good rule-of-thumb in determining right-of-way Mr.
416 Hlad stated is to use the location of sidewalks or utility poles. There is no longer a size
417 restriction and signs can be placed anytime after Labor Day he added.

418
419 **Engineer** Mr. Hill reported that the SR82 improvement project is on schedule and within
420 ODOT's budget so far. The Valley View side of the intersection will be opened to traffic within
421 the next two weeks he stated. ODOT anticipates the intersection to be substantially complete by
422 October 2009.

423
424 **Recreation Department** Ms. Gmerek reported that October 1 is the inauguration of the
425 Distance Club. For a period of three months the number of "steps" members accrue from the use
426 of the walking track, the elliptical bikes or the treadmill will be recorded. Competition will be
427 broken down by age groups. Every participant will receive a tee-shirt. There will be a reward
428 luncheon and prizes for each age category in December. In the near future Distance Clubs will
429 be formed for swimming and biking Mr. Gmerek added. The Recreation Center is hosting a
430 Blood Drive on October 2 from 1pm to 7pm in conjunction with the American Red Cross, the
431 Nordonia Hills Kiwanis Club and Southpointe Hospital. Ms. Gmerek reported that membership
432 for the month of September (to date) is 148. In 2007 it was 125 for the entire month. Revenue for
433 September was \$41,276, an increase of \$8,000 from last September she added.

434
435 **Finance Department** Mr. Brunot reported that the City is not directly impacted by the
436 volatility of the stock market because Macedonia's investment portfolio does not include equity
437 investments (stocks). The Ohio Revised Code actually precludes municipalities from investing
438 in stocks he stated. The City does however invest in treasury instruments and other federal
439 obligations. Mr. Brunot offered his assurance that Macedonia's investment portfolio is secure.

440
441 **Fire Department** Chief Black thanked Council for confirming the Mayor's appointment of
442 Tim Best to a full-time position. Best has 10 years firefighter experience two of which has been
443 while serving Macedonia is a part-time capacity. Firefighter Best is an outstanding addition to
444 the fire department Chief Black added. In addition to being a firefighter/paramedic he is a
445 certified fire inspector and he has five years experience working the emergency room of Metro
446 Health Center. Chief Black announced the Macedonia Firefighter Association's annual Children
447 Halloween Party is Saturday, October 25. The event which will include fire truck rides, candies,
448 cookies, costume party and costume judging will be held the Family Recreation Center from
449 6pm-8pm. Halloween or Beggar's Night for the Nordonia Hills area will held Friday, October 31
450 from 6pm-8pm. This year's annual Pancake Breakfast is Sunday, November 9 from 8am-2pm at
451 the fire station.

452
453 **Police Department** Chief Golden introduced newly appointed part-time Corrections Officer
454 Brett Bunge who was not present the evening of his actual appointment (August 26, 2008)

455
456 Mayor Kuchta commended Chief Golden and his staff relative to several large cases that resulted
457 recently. Thieves stealing stranded vehicles left on the interstate to scrap the metal is one of the
458 more unbelievable activities that have surfaced recently the Mayor stated.

459 **Law Department** Mr. Diemert asked Council to reconsider the 60-day extension of the
460 demolition order of the Manor House For the reason he added that to date the administration has
461 not been advised that funding has been found to save the Manor House.

462
463
464 Kathy Thomas, Macedonia resident and member of the Longwood Manor Historical Society
465 asked permission for Steve Nome to recognized as Mr. Nome missed the opportunity to speak
466 during the public comment portion of the meeting.

467
468 Mr. Nome explained that he is a resident of Cuyahoga Falls, an employee of the City of Akron
469 and the secretary of Progress Through Preservation ("PTP") an organization that actively

Regular Council

September 25, 2008

470 encourages and promotes preservation, maintenance, restoration, and adaptive reuse of buildings
471 and neighborhoods that are of historic or architectural importance or significance in Summit
472 County. In his capacity with the City of Akron he has worked on numerous demolitions that
473 were rescinded or extended when it was demonstrated that these structures could be rehabilitated.
474 Since the Manor House is not in the immediate danger of collapsing Mr. Nome asked on behalf of
475 the LMHS and PTP asked for more time to determine what can be accomplished.

476
477 Mayor Kuchta thanked Mr. Nome for his input. The Mayor explained the City has been remiss
478 far too many years and volunteer organizations who good-heartedly tried met far too many
479 roadblocks. Restoring the Manor House is a costly endeavor as everyone knows. Sadly, the City
480 does not have the financial resources. Condemnations are not taking lightly the mayor stated.
481 The Knight's Inn was just condemned because of its many safety infractions Mayor Kuchta
482 stated. Structures that are unsafe pose a serious issue. All aspects of Macedonia's Codified
483 Ordinances were drafted to protect those who live in or who visit Macedonia. Currently, the
484 administration is in violation of one of Macedonia's most serious safety laws

485
486 Council President Engle interjected that Mr. Nome called Building Commissioner Hlad to get
487 permission for the PTP to enter the Manor House in order to inspect the interior structure and the
488 roof. Mr. Hlad advised Mr. Nome that Mr. Hlad was waiting on the law department. Will not
489 Mr. Hlad allow persons to enter the Manor House for inspection relative to renovation purposes
490 Mr. Engle asked?

491
492 Mr. Hlad clarified events relative to Mr. Engle's reference by stating shortly after the September
493 11 council meeting this group (PTP?) contacted him for the purpose of entering the Manor House
494 to moth ball it, nothing more. Mr. Hlad said he didn't think it safe to enter Manor House then and
495 he doesn't think it's any safer to enter it now. But consideration can be made on a case by case
496 bases. The Manor House has to be considered a construction site and hard hats must be worn.
497 The east wall should first be shored up before anyone enters. The wall is bowing at the upper
498 level and poses a serious threat of collapsing. This problem should not be underestimated Mr.
499 Hlad stated. The city architect will not even enter the building.

500
501 Mr. Diemert told Mr. Engle that the law department has exhausted all avenues. As law director
502 Mr. Diemert is wary anyone should enter the Manor House particularly knowing the city architect
503 refuses to If however there is an expert willing to access the structure, an indemnification or a
504 waiver of liability will have to be signed releasing the City from any and all responsibility Mr.
505 Diemert stated.

506
507 Chris Mong, Macedonia Fire Inspector explained that if the Manor House is salvaged and used
508 for meetings, parties etc, then the City must adhere to the Ohio Fire Code relative to commercial
509 structures. This means Inspector Mong stated that once the structure changes from use as a
510 residence to a building with assembly type usage than fire alarms, a fire suspension system and
511 emergency exits would be required.

512
513 Councilor Spraggins questioned if the Manor House could be grandfathered thereby avoiding the
514 expensive fire code requirements.

515
516 Mr. Nome interjected that in order for the Manor House to be grandfathered historic designation
517 must first be determined. There is leniency if the Manor House is deemed an historic structure.
518 Otherwise it remains an interesting residential structure, which if used for commercial purposes
519 will require fire code upgrades.

520
521 Councilor Tulley remarked that the Manor House will probably not receive such designation
522 because that Mayor Long modernized his home. The room addition and modernized kitchen
523 while enjoyed by Mayor Long, probably precludes the Manor House receiving historical
524 recognition.

525
526 Mr. Hlad mentioned that in February 2007 Council received a lengthy inspection report relative
527 to the Manor House. Mr. Tufts and Mr. Hlad met with Ms. Thomas at that time. Ms. Thomas
528 was advised over eighteen months ago that designation of National Registry for Historical
529 Structure would exempt the building from the various codes citations issued by the City pursuant
530 to Macedonia's Codified Ordinances.

531
532
533
534
535
536 Debra Mikuski, 132 Rosewood Lane, Northfield Village and Lisa Wigginton, 1149 Park Ledge,
537 Macedonia, members of the LMHS complained that Mr. Hlad has not returned calls form Jack

Regular Council

September 25, 2008

538 Jenkins of the Durable Slate Company. The City has asked the LMHS to find solutions they
539 stated but the City isn't cooperating.

540
541 Mr. Hlad stated he has not received any calls or emails from Mr. Jenkins. His assistant keeps a
542 log of every entry and Mr. Jenkins is not listed. Mr. Hlad reminded members of the LMHS that
543 Mr. Jenkins' observations will have little impact if he is not a certified design professional, that is
544 a structural engineer or an architect.

545
546 Councilor Spraggins asked Mr. Hlad to please cooperation with the LMHS and Mr. Jenkins.
547 Mrs. Spraggins asked for Mr. Jenkins' report by Council's meeting "so that we can move on" as
548 she stated.

549
550 Councilor Tulley asked Mrs. Spraggins what she meant by move on. Is Mrs. Spraggins planning
551 for funding for the Manor House be put in 2009 budget.

552
553 Council Spraggins responded that she has an idea.

554
555 Mayor Kuchta reminded Mrs. Spraggins that the best "questimate" as to how much it will cost to
556 bring the Manor House up to code is at least \$500,000. Mrs. Spraggins is vocal about the
557 management of the budget and the most responsible use of taxpayers dollars. Is using taxpayers
558 dollars to renovate the Manor House really the best use of taxpayers' dollars Mayor Kuchta asked
559 her? Where is \$500,000 going to come from? Why the change of heart?. Last year he reminded
560 Mrs. Spraggins she voted to table the legislation that would have allowed the roof be repaired as
561 well as Council's commitment to the restoration of the Manor House. Now, she reversed her
562 course.

563
564 **Unfinished business** Mrs. Tulley asked Mrs. Thomas to submit the annual financial report for
565 the LMHS for year 2008 which was due in January.

566
567 **New business** None

568
569 There being no further business before Council, the meeting adjourned at 9:55pm

570
571
572 Attachment – Mayor's Report

573
574 There has not been much said recently about the Kimble Transfer station in Twinsburg Township lately so
575 it is important that I update you. I have been Macedonia's representative on a review Board that meets
576 quarterly to see if there are any issues with the transfer station being open and running on Chamberlin road.
577 On the board are representatives from Twinsburg, Twinsburg Township, our Law Department, and the
578 Executives from Kimble. We had our second meeting Tuesday and met at the new facility in Twinsburg
579 Township. We were given a tour of the facility. I was impressed.

580
581 I know that we fought a valiant battle to stop them and couldn't do it. The question is...did we lose or did
582 we win. We lost in the sense that the facility was allowed to be built. But the settlement included the
583 formation of this watch dog committee. I realize now that this was a win. If you can't stop a facility from
584 being built, but can at quarterly meetings have operational input, that ability in itself is a very good thing. If
585 a business can have an environmental negative impact on our residents and we can make on the spot
586 observations that could lead to fines and closure, we have a powerful way to control that environmental
587 impact.

588
589 As I walked through the inspection, I envisioned what I had seen at the Canton facility. That visit was
590 repulsive to all of the senses, including sight and smell. I was very pleased to see that this facility was
591 nothing like the Canton facility. It is being kept immaculately clean. There is aesthetic value given to the
592 building and the surroundings. The grounds were landscaped, and I never saw one piece of garbage flying
593 around the lot. Even the main garbage building is washed down regularly. There is also a building where
594 truck maintenance is done and that was spotless.

595
596 One of our biggest concerns was contaminated water filling the catch basin and flowing down into our
597 lakes. We purposely went to look at the basin. I am happy to say that the basin was full of aquatic growth.
598 That's a good sign. If I would have seen a barren bowl in the ground I would have been very upset. This
599 would mean that garbage runoff would have been present and killing vegetation. If that basin would then
600 overflow, it would allow that contamination to enter Macedonia. If that were to happen the results could be
601 very unfavorable to say the least. I would have serious health worries with for my residents. Having the
602 ability to go onsite and watch is a very big win in my mind. Thanks to our Law Director, Joe Diemert and
603 staff for making sure we have this ability to monitor.

604
605 While I'm thanking people..I would like to thank Jeff Hall for hopefully fixing our disc player for a long
606 time. This is the second new player and no one from the vendor could fix either of them. Jeff did it! Jeff is
607 one of our fine staff. Now I have to worry that the disc player industry will steal him away from us. So far
608 so good as far as I have been told, it appears that the player is no longer freezing up forcing people to watch
609 my face. I guess I was cracking screens.

Regular Council

September 25, 2008

610 We had our first Economic Luncheon on Wednesday at lunch time. Our local businesses were given lunch
611 and the ability to hear from the Mayor and staff about our City. The businesses in this community bear the
612 brunt of the cost in providing the services we perform for our residents. Beside a large amount of Real
613 Estate Tax of which we only get 8%, they pay City Income Tax which in some of the businesses exceeds
614 \$100,000 a year! Without them we would be unable to give you all the services you need for your health,
615 safety, and welfare. The turnout was excellent and the room was filled. This was the first with many more
616 to come. Questions were asked and answered and there was a huge amount of networking going on. City to
617 business, and business to business. The people in this room represented only about 1/7th of the businesses
618 here in Macedonia. This means that more meetings will be forthcoming. Nic Molnar was there to represent
619 our Council in this much needed interaction.

620
621 Another issue that is important in the relationship between businesses and the City is another City taking
622 our businesses away leaving us pretty much without a large part of our income. Maybe you can remember
623 that this just happened with Norandex. I am very happy to say that a memorandum of understanding for job
624 creation and retention and tax revenue sharing, is being drafted by Summit County. This is yet another
625 reason why Summit County Officials Russ Pry and Nick Kostandaras are so important to us. They possess
626 business savvy. The M.O.U. could lead our municipalities to doing that which is best for everyone involved
627 rather than pitting City against City. At Tuesday mornings Summit County Mayors Association meeting, I
628 made a motion to have the association endorse this document and it passed unanimously. What this means
629 is... that if a company should decide to move, the destination City will reimburse the City being left, a part
630 of the City Income tax lost. This is yet another step toward regionalization and cooperation among the
631 Cities in Summit County. The document is very close to being the final draft, and the sooner it is enacted
632 by Summit County Council the better.

633
634 We have complaints ranging from grass that is too tall, to branches that are blocking the creek, to branches
635 needing to be picked up. The Administration is trying to be fiscally responsible with taxpayer dollars. With
636 the situation of the economy in general, and the financial condition of this City still recovering from the
637 financial crisis when I took office, we cannot always respond in a way that is satisfactory to everyone.
638 Please prioritize. Would you rather we provide safety services, paved streets and culverts repaired, or pull
639 workers off of these critical duties to perform menial tasks. We are doing the best we can with dwindling
640 departmental budgets. The good news is that departments are being held accountable for your dollars. The
641 bad news is that we can't do things, nor can we pay someone to do things such as cut the grass monthly for
642 on a foreclosed or abandoned lot. The cost of landscapers (although they are worth it) have chewed into our
643 budget. I remember in the past young people would walk the neighborhoods looking to earn some money
644 by cutting lawns. If you know any of those people, or if there are any left...have them contact our building
645 department.

646
647 NEORSD...the Northeast Ohio Regional Sewer district is looking like dark clouds on the horizon for us.
648 We have had a storm water study done and ready to start fixing problems. Now NEORSD wants control of
649 addressing the problems the way they want to. According to them the main problem is to drain the wetlands
650 behind Lowes. It's ridiculous and every effort will be made to fight the takeover trying to direct what needs
651 fixing in our City. Worry about a wetland when we have flooded basements! I don't think so.
652