

Regular Council

October 9, 2008

Presiding Officer, Mayor Donald Kuchta called the October 9 regular meeting of Macedonia City Council to order at 7:38pm.

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

Absent: Council member Peggy Spraggins

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

MINUTES Mr. Engle moved, Mr. Barker seconded to approve the minutes of the regular meetings of August 26 and September 11, 2008 as submitted by the clerk of council

Roll call: Ayes: Barker Engle, Martin, Molnar, Tulley
Nays: None
Abstentions: Barker (relative to August 26 meeting)
Tulley (relative to September 11 meeting)
The motion carried

PRESENTATIONS

Stow Municipal Courthouse Judges Kim Hoover and Lisa Coates were present to show the design and benefits of the Stow Municipal Courthouse expected to open January 2, 2009. The new courthouse located at SR 8 and Steels Corner Road will replace the Cuyahoga Falls Municipal Courthouse Judge Hoover stated. Judge Hoover mentioned that the municipal court is the seventh largest jurisdiction in the state. For those last 8-years Judge Hoover explained \$20.00 has been added to each court case in anticipation of constructing a state-of-the-art facility. In addition to incorporating modern building standards that the current facility does not have, the new courthouse will have a sally port in order to securely transport prisoners to and on from the courthouse and on the gentler side a garden and walking path that will be called Woody's Walk in memory of long time Magistrate Bob Woodside.

Girl Scouts of Northeast Ohio Dr. Daisy Alford Smith and John Grays of the Girl Scouts of Northeast Ohio ("GSNEO") made a brief presentation relative to their organization's purchase of the Norandex Building and corporate move to Macedonia. Dr. Alford Smith explained that GSNEO was formed in October 2007 when five legacy councils merged. The purpose of the merger was to streamline services and centralize operations. The move of GSNEO from its White Pond Drive location was precipitated in part Dr. Alford Smith stated because of how far south it is to GSNEO's 18-county footprint. In addition to that issue, the First Energy complex adjacent to the Girl Scouts White Pond facility has grown so dramatically Dr. Alford Smith stated that the traffic generation to and from First Energy has been a real safety concern for the Girl Scouts Macedonia is a truly better location Dr. Alford Smith stated because of it's easy accessible from the Ohio Turnpike and IS271. The Norandex Building is the perfect size. It can support future growth and it offers superb visibility from IS271. Macedonia was also chosen Dr. Alford Smith stated because it is a family and girl friendly community. GSNEO is looking forward to a long term relationship with City of Macedonia and is hopeful Dr. Alford Smith stated that Macedonia City Council will favorably support the MOP grant for which GSNEO has applied.

Mr. Grays added that the GSNEO is a \$10 million dollar a year corporation. GSNEO is comprised of 45,000 girl scouts, 15,000 volunteers and 65 employees. GSNEO has an average payroll of about \$3M dollars a year. The payroll is expected to increase he stated as future employees have been budgeted Mr. Gray stated. The new facility will have a retail shop and 200-seat auditorium. In addition to the Norandex building, GSNEO owns 14 camps. Mr. Grays added that Macedonia's other businesses will benefit from GSNEO presence due to the ancillary business they'll generate.

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

RES. NO. 79-2008: A FINAL RESOLUTION RELATIVE TO THE RESURFACING OF STATE ROUTE 8 was **offered** by Mr. Molnar for its **third reading by title only**. Second not required.

Mr. Molnar moved, Mr. Engle seconded, to **adopt RES. NO. 79-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley
Nays: None
The motion carried. **RES. NO. 79-2008, adopted**

Regular Council

October 9, 2008

ORD. NO. 96-2008

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

ORD. NO 98-2008

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

LEGISLATION ADDED TO THE AGENDA.

Mr. Martin moved, Mr. Barker seconded to **add ORD. NO. 101 -2008: AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ST. PAUL TRAVELERS INSURANCE COMPANY FOR PROPERTY AND LIABILITY COVERAGE FOR A ONE YEAR PERIOD BEGINNING OCTOBER 15-2008 AND ENDING OCTOBER 13-2009.**

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

Mr. Martin **offered ORD. NO. 101-2008** 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 and that the 48-hour rule is waived.** Second by Mr. Engle.

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

Mr. Martin moved, Mr. Engle seconded, to **adopt ORD. NO. 101-2008**, and post same according to law.

Roll call: Ayes: Barker, Engle, Martin, Molnar, Tulley
Nays: None
The motion carried. **ORD. NO. 101-2008, adopted**

MOTIONS OR OTHER LEGISLATIVE ACTIONS:

~~~Mr. Barker moved, Mrs. Tulley seconded, to **reconsider ORD. NO. 69-2008: AN EMERGENCY ORDINANCE AMENDING ARTICLE VII OF THE LEASE BY WAY OF CONCESSION BETWEEN THE CITY OF MACEDONIA AND 2CLUB GOLF OF MACEDONIA LLC.**

Roll call: Ayes: Barker, Martin, Tulley  
Nays: Engle, Molnar  
The motion carried

Mr. Barker moved, Mrs. Tulley seconded to **adopt ORD. NO. 69-2008** and post same according to law, (*Ordinance No. 69-2008 previously read on three separate occasions: First reading was July 10; Second reading was August 28; it remained at 2<sup>nd</sup> reading September 11 and its third reading were September 25*)

Roll call: Ayes: Barker, Martin, Tulley  
Nays: Engle, Molnar  
The motion carried. **ORD. NO. 69-2008 adopted.**

Relative to ORD. NO. 69-2008, Mr. Barker had stated that after rethinking the issue he felt the unique situation between the Macedonia and 2Club Golf as a concessionaire of the City warranted the amendment. The City owns the property, it owns the buildings and it owns all improvements why wouldn't the City provide every opportunity for the business' to succeed. No one can really want the concessionaire to go out of business or for the facility to fall into disarray he said. Regarding the issue of the property tax, if the state determines that tax is not exempt than the concessionaire is legally responsible to pay it per the terms of the agreement.

Council President Engle said while he agreed that the relationship between the City and 2Club Golf is unique it is nonetheless a business relationship. The financial crisis crippling the local, national and global economies cannot be ignored Mr. Engle stated. The \$80 billion dollar federal bailout of AIG, the largest insurance company in the world as well as the newly proposed \$750 billion dollar bailout by none other than the American taxpayers cannot and should not be taken lightly he said. While not really comparing these bailouts to the 2Club Golf situation, Mr. Engle felt there were similarities in

## Regular Council

October 9, 2008

that government helping private sector. The City cannot start helping every failing company that is within Macedonia's geographic boundaries he said. Mr. Engle's immediate concerns are Macedonia taxpayers, Macedonia ability to pay infrastructure debt and to maintain city services. How is Macedonia going to meet the needs of residents if revenue sources are forgiven Mr. Engle questioned? 2Club Golf sales are down 50%. There is no guarantee that this company is going to rebound and produce more business. In Mr. Engle's opinion giving up \$30,000 a year was not a good plan.

Mr. Barker agreed in part with Mr. Engle. Mr. Barker however doesn't believe it is in the best interest of the City to give up on 2Club Golf since it is in fact a concessionaire of the City. Does Council really want to see 2Club Golf falter and have to vacate the property? Is it not a better plan to receive some revenue than nothing at all he asked?

Councilor Tulley agreed with Mr. Barker. The City won't receive any revenue if 2Club Golf leaves. What's the reasoning behind that she asked? Thirty thousand dollars a year are better than no dollars at all she stated. If 2Club leaves, the City loses income tax revenue plus it then is responsible for paying utilities on the building, Mrs. Tulley reminded Council that before 2Club Golf the north side of Longwood Park was un-cared for, un-tendered and un-useable.

Councilor Martin added that sometimes business situations require that two steps be taken backwards before a step can be taken forward. Mr. Martin asked Mr. Brunot if in his opinion the new agreement is good for the City.

Mr. Brunot answered that the agreement is better because it's been simplified and because it provides the opportunity for a term relationship with the current concessionaire. The percentage on gross revenue has been fixed at 12% instead of variable percentage rates on every service 2Club Golf offers. The difference now is that 2Club will be paying 12% of actual receipts. This is good Mr. Brunot explained because 2Club's catering services have increased. Per the terms of the new agreement revenue for 2009 will be \$36 thousand. The monthly lease had been \$5,000. The old agreement's breakeven was \$750,000. It is now \$500,000 and should be realized 2 years Mr. Brunot added. Mr. Brunot reminded Council that if the revenue from 2Club ceases to exist the signature playing fields that 2Club helped create cannot possibly be maintained. Regarding the property tax issue, Mr. Brunot is confident that the Ohio Division of Tax Equalization will find that since the concessionaire has no property interest and that the municipality's property is in fact tax exempt.

**CORRESPONDENCE:** Email from Sue Cummings of 1068 Longwood Drive commending service and parks employee Tom Rodhe.

**PUBLIC COMMENTS:** Mike Kronjak, N. Bedford Road chastised Mr. Barker for reconsidering the amendment to the agreement with 2Club Golf. What is Council going to do when other businesses ask the City for help he asked? Mr. Kronjak was angered too by the MOP grant offered the Girl Scouts of Northeast Ohio.

Councilor Tulley reminded Mr. Kronjak that the situation between the City and 2Club Golf is different because 2Club is a concessionaire of the City. The situation is unique. 2Club does not own the land, the buildings or any of the improvements. Regarding the Girl Scouts and the Norandex building Mrs. Tulley told Mr. Kronjak that when the City learned the Norandex business was moving to Hudson the City tried to entice them. The City offered Norandex incentives but Hudson offered them greater incentives. No one wants to see any Macedonia building empty. It is the administration's responsibility to do what it can to help existing business' stay operational as well as to encourage new business opportunities. In this type of economic climate is it really better to say good bye to a business than to try and work with them to keep them viable Mrs. Tulley asked? Councilor Barker told Mr. Kronjak that his continued presence at council meetings and his comments are appreciated but Mr. Barker doesn't personally understand the rationale of denying a city-sanctioned concessionaire every business opportunity to stay operating. Why punish them in though times? Mr. Barker stated Mrs. Tulley is correct when she stated it is never better when property has to be vacated.

Chuck Loparo of Bradford Lane said he supports all business but the City can't continue to forgive revenue.

With regards to another matter Brad Chesney, a Cleveland State University accounting student asked Council to allow him and his fellow students to prepare a financial plan relative to the restoration of the Manor House. Mr. Chesney explained that his professor, George Rubbe has challenged his class with a senior project, that of finding funding for the Manor House. Mr. Chesney asked Council's indulgence to allow the time that necessary for what Mr. Chesney described as a workable plan to be devised.

## Regular Council

October 9, 2008

Mayor Kuchta told Mr. Chesney that in order to determine how much it will cost to repair the Manor House a certified architect must develop the plans. The cost estimate of the plans Mayor Kuchta stated is \$60,000.

Mr. Chesney responded to the Mayor that the point of the project is to find funding. Research has already begun comparing the Manor House with similar situations that have been successful. The class would not be creating design plans he stated. The hope of his class is to create a business plan to help the Manor House become an asset of the City.

Mayor Kuchta advised Mr. Chesney that Council President Engle is overseeing all aspects of the Manor House. All communications and arrangements relative to the Manor House therefore should be made to Mr. Engle.

Councilor Tulley asked Mr. Chesney if he is currently working in conjunction with the Longwood Manor Historical Society to which he answered that he is not. Mrs. Tulley advised Mr. Chesney that all volunteers of the City are required to file an application pursuant to the volunteer ordinance and that before his class can do anything they must either become a part of a current organization or complete appropriate documentation relative to their own cause.

Councilor Engle questioned the necessity or logic of Mr. Chesney's class filing a volunteer application simply because Mr. Chesney's professor assigned a class project.

Councilor Tulley responded that Macedonia's ordinances supersede class project and in her opinion the application should be filed for Council approval.

Mr. Chesney responded he is only too willing to submit an application. (Clerk Arceci subsequently supplied Mr. Chesney with the appropriate documentation)

Bill Roemer, Republican candidate for Summit County Council District 1 re-introduced himself asking Macedonia residents for their support in November.

**MAYOR'S REPORT:** Attached at end of this document.

### **COMMITTEE REPORTS**

**Planning Commission** Mr. Martin reported that Planning will not meet on October 13 due to the observance of Columbus Day. Their next meeting will be held October 27 at 5:30pm.

**Parks & Recreation Commission** Mr. Molnar reported that next meeting has been changed to Tuesday, October 21 at 7pm at the Recreation Center.

**Drainage and Sanitary Control Committee** Mrs. Tulley reported that the DSCC will be making a presentation to Council on Thursday, November 6 at 6:30pm. Their topics will be the history of the DSCC, improvement projects they're proposing and potential funding options. The DSCC will be holding their regular monthly meeting on Wednesday, November 5 at 7pm.

**Western Reserve Cable Consortium** Mrs. Tulley commended Dennis, Greg and Jeff of Cable 9, for their coverage of literally all the athletic events sponsored by the Nordonia, Twinsburg and Aurora school systems. Mrs. Tulley reminded residents that February 17, 2009, is the day television transmission is converted from analog to digital. Televisions in households not serviced by a cable provider like Time Warner or a satellite provider like DirectTV will require a special cable converter to receive the digital transmission. Since the FCC mandated this change Mrs. Tulley explained that the federal government is providing each household with two \$40.00 coupons to be applied towards the cost of a cable converter.

### **DEPARTMENT REPORTS**

**Service Department** Mr. Crevar reported that Macedonia Community Litter Day held on September 12 in conjunction with the Tinker's Creek Watershed was very successful. Mr. Crevar mentioned that for two hours 90 participants removed several truck loads of trash and debris from the business district around Routes 8 & 82. Mr. Crevar thanked Mayor Kuchta and Councilor Martin for helping participating that day.. Mr. Crevar reported that the leaf removal program begins October 27 and will operate through November. He announced that salt bids open October 22.

Councilor Martin commended Mr. Crevar and the service employees who also participated in the September 12<sup>th</sup> clean-up.

## Regular Council

October 9, 2008

**Building Commissioner** Mr. Hlad reported that the pavement relative to the Mary Maria subdivision will be completed by November. The second phase of the Valley Creek subdivision is nearly complete. The Ryan Homes in that subdivision are selling very well Mr. Hlad added. Mr. Hlad mentioned that Macedonia's building department has been ranked third in Summit County for the highest number of building permits being issued. He also mentioned that the demolition permits relative to the Knights Inn building that has been declared unsafe have been issued.

**Engineer** Mr. Hill was not present. His report is at end of this document.

**Recreation Department** Ms. Gmerek reported that an After Hours Party is being held Saturday, September 11 from 8pm-10pm for 5<sup>th</sup> and 6<sup>th</sup> grade age children. The pre-cost of the event is \$5, \$6 the day of the party. The event will include swimming, contests, Wii and snacks. A Dress Your Pet contest is being sponsored by the Recreation Center. Residents can submit up to two photos of their pet through October 31. Winning entries will be posted in the winter program and activity guide. Ms. Gmerek mentioned that AARP is sponsoring safety driving courses at the Recreation for person 50 years of age and older. The courses will be held on September 16 and 23 at 8:30am & 4:30pm. Successful participants may be eligible for auto insurance discounts. The Nordonia High School swim team has begun practicing at the Natatorium. The facility is the team's home pool so three lap lanes have been reserved for practices. After November 7 the team will be practicing 5 days a week from 3:30pm to 5:30pm. Currently the team is only practicing three times a week. The Recreation Center opened Columbus Day Ms. Gmerek announced.

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

**Fire Department** In Chief Black absence Captain Gagliardi announced that the Firefighter Association's Halloween Party will be held October 25 at the Recreation Center between the hours of 6pm-8pm. Trick or Treat or Beggar's Night for the entire Nordonia Hills area will be held Friday, October 31 from 6pm-8pm. The Firefighter's Annual Pancake and Sausage Breakfast will be held Sunday, November 9 from 8am-2pm. Proceeds from the breakfast will benefit the family of Josh Golobek, a Nordonia Hills Middle School student who has been undergoing treatment for a brain cancer.

**Police Department** Chief Golden reported that Signal Service has modified the signals at various locations along SR82 to accommodate changes within the construction zone. The chief reminded residents that Macedonia has an overnight parking ban between the hours of 2am to 6pm.

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

**Unfinished business** None

**New business** None

There being no further business before Council, the meeting adjourned at 9:10pm

### MAYOR'S REPORT OCTOBER 9<sup>TH</sup>, 2008

We are doing our best to monitor traffic lights and tweak them to achieve better traffic flow, because of the Route 82 construction. You will need to be aware that the area will be changing constantly requiring new traffic patterns. Visibility coming from the west through the Bridge is a problem, so please be careful. If a traffic pattern has any chance to be a problem, in your eyes...feel free to call us.

As a multitude of sporting seasons are coming to an end, we can reflect. We have teams and individuals from Nordonia in contention for being the best in more than one sport, and having stellar seasons. Golf, Soccer, Football, and Volleyball, had our communities well represented by our local athletes. As Mayor, I am very proud of all of you. There is an issue on the ballot for improving the conditions of the fields that they play on. They are representing us well and if you would like to find out what can be done to help them, you can access information at [www.nordoniaissue48.org](http://www.nordoniaissue48.org).

There was an article in the Plain Dealer regarding the Girl Scouts coming here to Macedonia and the effect it will have on this whole area. We welcome Dr. Daisy Alford-Smith and John Graves and the 65 employees they will bring to our community. We

## Regular Council

October 9, 2008

thank you for letting us be your headquarters for more than 20 Counties.

There is quite a bit of concern on the Kent State Campus over a port hole to the internet called "Juicy Campus". It mirrors some that I have seen here locally and describes Kent's concern for what impact this type of freedom of speech has on our society. They claim that it has the power to destroy people's self esteem and cultivates false rumors.

"Basically, it is a glorified bathroom wall" they say. "The majority of people understand right from wrong, and damaging someone's character anonymously is a cowardly way of engaging in discourse".

Politicians are common targets and I guess it gives some people a high to write accusations with little or no verifications of fact. It is very easy to put your spin on any situation and come up with conclusions that you feel must be posted on line, without any idea of the "why" or the thought process that brought about that action. There must be some animalistic pleasure in stabbing people in the back while hiding behind anonymity. The next time you read a "bathroom wall" like NS7, think about the character of someone who would do that type of thing. It is negativity and vindictiveness strictly for the writer's pleasure.

The "quiet zone" committee with Greg McNeil is still hard at work trying to bring a solution to the Twinsburg Road at grade railroad crossing, which requires the blowing of whistles by Federal Law. Greg has been in contact with our Congressman, Senator Voinovich, Representative Brian Williams, the County Engineer, and Summit County Council President Nick Kostandaras. Greg is hard at work trying to help Macedonia and he is a Hudson resident! What an amazing man and I admire his ability to have taken this issue farther than anyone thought it could go. Most people just yell at the City and say make it happen. Instead, wouldn't it be nice if we could fix problems with cooperation like Greg's in every case. That takes up the better part of our budget. We, as a City, have to prioritize and concentrate on making our City safe, and we need to do the essential services that people expect. I wish that others would follow his stellar example of working with the City and looking for funding to make it happen. Now that's fixing it right!

Robin Patton, the area manager from Ohio Edison, wrote me a letter that praised the efforts of our employees, who worked side by side with their crews to address the wide spread damage of the September 14<sup>th</sup> windstorm.

The total Court revenue for the month of September is \$38,645.70

### **ENGINEERING REPORT** FROM GENE HILL

#### **Rt. 8 Repaving:**

The repaving of Rt. 8 from just north of Macedonia Commons to the City northern limit always had costs that were to be paid by the City. This work was always anticipated and in the budget. Repaving to occur in 2009. The use of Rt. 8 as a haul road for the Rt. 8/271 project is essentially complete; however, Rt. 8 could be a haul road for other projects.

City Share: \$120,000.00 paving + \$106,000.00 culvert = \$226,000.00

#### **Haul Road Repaving:**

Valley View from the Church property at 10277 to Rt. 8 is a designated haul road. ODOT believes that ODOT no longer needs Valley View as a haul road for the Rt. 8/271 project. See attached letter.

#### **Rt. 82 - Phase 2 (new railroad bridge):**

This project has used State Routes for 99% of the hauling activities. No special consideration by ODOT. Work scheduled for October 2009 completion.

I contacted Fred Tufts and he concurred with all of the above and the direction outlined in the attached letter.

#### **Asbestos vs. Demolition:**

The Akron Air Quality Department is responsible for air quality issues in Northern Summit County. They confirmed with the EPA that the City could demolish a small, single family home per site without asbestos testing/removed. This means that the caretaker's house and the house at 944 E. Aurora Rd. can be immediately demolished. This is because they are remote from each other and considered different sites. The Manor House does not meet the small, residential house definition (EPA performed a site visit) and asbestos must be abated.