

Regular Council

October 23, 2008

Presiding Officer, Mayor Donald Kuchta called the October 23 regular meeting of Macedonia City Council to order at 7:33pm.

Present: Council members' David Engle, Kenneth Martin, Nicholas Molnar, Peggy Spraggins and Janet Tulley; Law Director Joseph W. Diemert, Jr. and Council Clerk Josephine Arceci

Absent: Council member Shane Barker

PLEDGE OF ALLEGIANCE led by the Girl Scouts was followed by the recitation of the Girl Scout Promise and the Girl Scout Law

MINUTES Mrs. Tulley moved, Mr. Engle seconded to approve the minutes of the regular meeting of September 25, 2008 as submitted by the clerk of council.

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

PROCLAMATIONS

County Council President Nick Kostandaras on behalf of Summit County Council presented the Girl Scouts of Northeast Ohio ("GSNEO") with a proclamation recognizing the organization for building courage, confidence and character in young woman ages 7 to 17 since its inception on March 12, 1912.

Mayor Kuchta on behalf of the City of Macedonia also presented the GSNEO with a proclamation recognizing organization's worldwide membership of 3.5 million young girls and women as well as the recognizing the organization's history of providing strong leadership and citizenship and skills that last a life time.

Dr. Daisy Alford Smith of GSNEO thanked President Kostandaras and Mayor Kuchta for their respective proclamations. Dr. Alford Smith introduced Board and Leadership Team members of GSNEO. On behalf of GSNEO's 45,000 girl membership Dr. Alford Smith expressed excitement for becoming an important part of the community of Macedonia. Dr. Alford Smith reiterated that the new headquarters is centrally located within the 18-county geographic footprint of GSNEO. Sixty-five employees will work at the new location. The average annual payroll she added will be about out \$3M dollars.

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

ORD. NO. 96-2008

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

Mrs. Tulley **moved**, Mr. Martin seconded, to **adopt ORD. NO. 96-2008** and post same according to law.

Roll call: Ayes: Engle, Martin, Spraggins, Tulley
Nays: Molnar
The motion carried. **ORD. NO. 96-2008 adopted**

ORD. NO 98-2008

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

Mr. Molnar moved, Mrs. Spraggins moved to table ORD. NO. 98-2008

Roll call: Ayes: Engle, Martin, Molnar, Spraggins
Nays: Tulley
The motion carried. **ORD. NO. 98-2008 tabled.**

Prior to the roll call on the motion above the following discussion was had.

Mayor Kuchta stated that given the nature of the economy everyone should be overjoyed that an organization like GSNEO located their corporate office in the City of Macedonia. There should have been no sour grapes, no animosity. Councils' demonstration should have never occurred. The

Regular Council

October 23, 2008

Mayor stated that the YMCA is an example of another nonprofit who has had a strong presence in Macedonia for many years. It is only fitting he added that the Girl Scouts should have the same presence.

Mr. Molnar stated he felt more time was needed for discussion to which Councilor Tulley answered how much time is needed? Ordinance No. 98-2008 has been an agenda item since September 25. Dr. Alford Smith has answered every question that Council has asked of the GSNEO. Mr. Brunot has explained every aspect of the MOP grant and Mr. Diemert had advised that the GSNEO qualifies for the grant. What more can be attained from further discussion or delaying the vote she asked Mr. Molnar?

Councilor Spraggins asked if the administration is willing to compromise. While Mrs. Spraggins appreciates the value of GSNEO and Dr. Alford Smith for whom Mrs. Spraggins regards highly she doesn't feel GSNEO qualifies for a thirty thousand-dollar eight-year term grant. As a nonprofit, the GSNEO already receives relief in that they do not pay property tax Mrs. Spraggins stated. Is not equitable Mrs. Spraggins said that GSNEO would be given another incentive when they already receive one. Mrs. Spraggins stated that when the enabling ordinance relative to the MOP was created she is certain no one considered the possibility of a nonprofit applying for a grant. The Norandex building may be vacant but real estate tax is still being collected. Macedonia, the school system and the county benefit she added. Moreover this agreement was disappointedly negotiated by administration without any input from Council she stated.

Councilor Tulley asked Mrs. Spraggins several times what Mrs. Spraggins would propose as a compromise to which Mrs. Spraggins did not provide an answer.

Mayor Kuchta interjected that Mrs. Spraggins' statement totally undermines the credibility of his administration. Mayor Kuchta reminded Mrs. Spraggins that it is the administration's role, not Council's to negotiate agreements. Mayor Kuchta added that the GSNEO grant will be money well spent. GSNEO is a good, clean organization that will have a long history Macedonia. This organization is a jewel and in a manner of speaking it is a feather in the cap of Macedonia he added. Mayor Kuchta said cannot fathom that anyone would be resistant to this opportunity.

Finance Director Brunot interjected that at the time the MOP legislation was created ramifications, such as a non-profit organization applying for a grant was not considered. When creating a new program, it is not always possible to foresee every potentiality Mr. Brunot admitted. The primary objection when the MOP program was created was to facilitate occupancy of vacant buildings Mr. Brunot stated. Knowing the Norandex building was in jeopardy of being vacated the administration moved quickly to find a good, long term occupant. GSNEO filled the bill he said. Macedonia needed to fill a building and GSNEO needed an incentive. Councils' negativity towards GSNEO is counterproductive and it dramatically undermines the administration's ability to negotiate future MOPs Mr. Brunot stated. Amending the MOP legislation in the foreseeable future may be a consideration. But denying GSNEO the grant when it was offered in good faith is totally unfair he stated. How is the community better served by denying them this opportunity he asked?

Councilor Spraggins told Mr. Brunot that this issue could have been averted had Council been kept informed about GSNEO, and well before the agreement was negotiated. GSNEO may have reconsidered buying the Norandex building if they had known there were members of the council who were less than enthusiastic about a non-profit receiving an incentive. Mrs. Spraggins does not feel that it is fair to amend the legislation now. The truth is Mrs. Spraggins stated GSNEO, nor any non-profit should be entitled to this type of incentive. As an elected official Mrs. Spraggins said it is her responsibility to protect Macedonia residents who are not given the same opportunity, who must pay their property taxes. Many residents are struggling financially Mrs. Spraggins stated yet the administration continues to give away the store. First it was relative to the TIF, then to 2Club Golf and now to the GSNEO she added.

Councilor Tulley asked Mrs. Spraggins if it isn't better to receive \$60,000 in income tax than to receive nothing? Mrs. Tulley reminded Mrs. Spraggins that the City realizes very little from property tax revenue, only about 8%. The school system and county are the benefactors.

Mayor Kuchta asked Mrs. Spraggins why is she pitting Macedonia residents against the Girl Scouts. The City was only too happy when the YMCA established a location in Macedonia. Why is it different now he asked?

Councilor Engle interjected that the situations between the GSNEO and the YMCA are totally different and therefore comparing the two is not fair. Mayor Long as a private citizen donated his land to the YMCA. It was a private transaction. The City of Macedonia had no say in the matter.

Regular Council

October 23, 2008

Councilor Tulley stated the state of the local economy won't improve by denying opportunities or incentives to organizations such as GSNEO who in turn will provide substantial ancillary business relative to other businesses in Macedonia. Personally speaking Mrs. Tulley stated the jobs of every member of her household are being threatened. But she cannot be narrow-minded in terms of what is best for Macedonia in the long-run. What is happening to her personally cannot blind side her she said. Macedonia is not alone in its financial crisis. Every community is suffering. Does Council really think it would have been easy to fill the Norandex building? Does Council really mean to say they don't need or want GSNEO in Macedonia? Because if that is the truth denying this opportunity to them is a mistake Mrs. Tulley added

Dr. Alford Smith expressed her disappointment. She told Council she is heartbroken by their actions. GSNEO expected a warm welcome, a celebration Dr. Alford Smith stated. She is embarrassed for the young women attending this evening. She is embarrassed that they have been exposed to such animosities, to such short sightedness. The GSNEO has unfortunately been caught in the middle. Dr. Alford Smith questioned why Council would penalize the GSNEO because of differences of opinion with the administration and because of differences in the interpretation of the MOP agreement

EXECUTION SESSION

At 8:05pm, Mr. Engle moved, Mr. Molnar seconded to adjourn into an executive session for the purpose of discussing pending litigation. Included in the executive session was Law Director Diemert and Attorney Patrick Hoban of Zaskin & Rich Co. L.P.A

**Roll call: Ayes: Engle, Martin, Molnar, Spraggins
Nays: Tulley
The motion carried.**

At 8:55pm, Council reconvened into its regular meeting.

ORD. NO. 102.-2008

AN EMERGENCY ORDINANCE AUTHORIZING A CONTRACT WITH PARK FORD INC., FOR THE PURCHASE OF A 2008 F250 4X2 PICKUP TRUCK was **offered** by Mr. Molnar 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 its second and third readings**. Second by Mr. Martin.

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

Mr. Molnar moved, Mr. Martin seconded, to **adopt ORD. NO. 102-2008**, and post same according to law.

Roll call: Ayes: Engle, Martin, Molnar, Spraggins
Nays: None
The motion carried. **ORD. NO. 102-2008, adopted**

ORD. NO 103-2008

AN CONFIRMING THE APPOINTMENT BY THE MAYOR OF JOHN DOYLE TO THE POSITION OF FULL-TIME AQUATIC PROGRAM COORDINATOR OF THE MACEDONIA FAMILY RECREATION CENTER was **offered** by Mr. Molnar 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. Martin.

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

Mr. Molnar moved, Mr. Martin seconded, to **adopt ORD. NO. 103-2008**, and post same according to law.

Roll call: Ayes: Engle, Martin, Molnar, Spraggins
Nays: None
The motion carried. **ORD. NO. 103-2008, adopted**

Relative to ORD. NO. 103-2008, Recreation Director Gmerek stated that Mr. Doyle comes to Macedonia from the YMCA of Greater Cleveland. Mr. Doyle extensive experience and certification will be an asset to the Recreation Center.

ORD. NO. 104-2008

AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING THE 2008 ANNUAL

Regular Council

October 23, 2008

APPROBATIONS ORDINANCE NO. 2-2008 AND AUTHORIZING THE NECESSARY TRANSFER OF FUNDS was **offered** by Mrs. Spraggins 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 for all three readings**. Second by Mrs. Tulley.

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

Mrs. Spraggins moved, Mrs. Tulley seconded, to **adopt ORD. NO. 104-2008**, and post same according to law.

Roll call: Ayes: Engle, Martin, Molnar, Spraggins
Nays: None
The motion carried. **ORD. NO. 104-2008, adopted**

ORD. NO. 105-2008

AN ORDINANCE PROVIDING THE 2009 TEMPORARY APPROPRIATIONS AND DECLARING AN EMERGENCY was **offered** by Mrs. Spraggins for its **first reading by title only**. No second required.

RES. NO 106.-2008

AN EMERGENCY ORDINANCE AUTHORIZING THE RETENTION OF THE FAIR HOUSING COUNCIL OF NORTHEAST OHIO was **offered** by Mrs. Tulley for its **first reading by title only**. No second required.

Mr. Engle moved, Mrs. Spraggins seconded to table Resolution No. 106-2008.

Roll call: Ayes: Engle, Martin, Molnar, Spraggins
Nays: Tulley
The motion carried. **RES. NO. 106-2008 tabled.**

Mr. Molnar moved, Mrs. Spraggins seconded to **add to the agenda ORD. NO. 107-2008** AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH TALLMADGE/ASPHALT CONCRETE FOR THE 2008 FULL DEPTH PAVEMENT REPAIR PROGRAM

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

Mr. Molnar **offered ORD. NO. 107-2008** 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 to wave the 48-hour rule of council**. Second by Mrs. Spraggins.

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

Mr. Molnar moved, Mrs. Spraggins seconded, to **adopt ORD. NO. 107-2008**, and post same according to law.

Roll call: Ayes: Engle, Martin, Molnar, Spraggins, Tulley
Nays: None
The motion carried. **ORD. NO. 107-2008, adopted**

MOTIONS OR OTHER LEGISLATIVE ACTIONS:

~~~Mr. Martin moved, Mr. Engle seconded, authorizing the Finance Director to accept a donation on behalf of the City of Macedonia from Ohio Edison for equipment valued at Four Hundred Fifty Dollars (\$450.00) for use by the police department

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

~~ Mr. Molnar moved, Mrs. Tulley seconded, authorizing the Finance Director to accept a donation on behalf of the City of Macedonia from Sears Hardware for four (4) gallons of paint valued at Sixty

## Regular Council

October 23, 2008

Six Dollars (\$66.00) used in the police department

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

~~~Mr. Engle moved, Mr. Martin seconded, authorizing the Service Director to purchase one thousand (1,000 tons) of road salt at Eighty-Five Dollars (\$85.00) a ton from Greenline Landscaping

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

CORRESPONDENCE: Letter of appreciation to Director Angela Gmerek and swimming instructor Matt Mijangos from resident Thelma Chandler, 857 Eileen Drive,

PUBLIC COMMENTS: None.

MAYOR'S REPORT: Attached to end of this document.

COMMITTEE REPORTS

Planning Commission Mr. Martin reported that Planning's next meeting is Monday, October 27 at 5:30pm

DEPARTMENT REPORTS

Service Department Mr. Crevar reported that October 27 begins the leaf collection season. Service crew will make three rounds throughout the City through the month of November, weather permitting. Guidelines and information relative to the collection may be obtained from the City's website or by calling the service department he added Mr. Crevar announced that during the 3rd quarter of this year the City Center's in-house paper recycling program collected 1,375lbs of paper, a save of 8 cubic yards of landfill space. Mr. Crevar mentioned that the Recreation Center recycling bins collected 91.2 tons paper which generated \$1 759.00 in revenue. Regarding this year's salt shortage, Mr. Crevar mentioned the City has made three attempts to receive salt bids to no avail. Presently the City has on hand about a third of its annual salt usage. So as a result measures are being taken to conserve the amount of salt that is used per event. The cost of salt has more than doubled from last year he stated Prices have escalated from \$37.15 per ton to over \$85. In some cases, salt vendors are asking \$120 per ton he added. Mr. Crevar stated that a policy relative to sensible salting practice will be introduced to Council in the next several weeks in order to validate how salt will be used this year.

Building Commissioner Mr. Hlad reported that Kenmore Construction regarding the SR 82 improvement project will be paving the intersection of N. Bedford Road very soon and that the steel for the bridge will be erected early November during late evening hours when traffic is limited.

Engineer Mr. Hill was not present.

Recreation Department Ms. Gmerek thanked Council for the appointment of John Doyle.

Finance Department Mr. Brunot was present earlier in the evening but not present at time of report.

Fire Department Chief Black was present earlier in the evening but not present at time of report.

Police Department In Chief Golden absence, Sergeant Ennis reported that the police department has been receiving numerous complaints relative to truck traffic on Valley View and Twinsburg Roads. The complaints have not fallen on deaf ears Sergeant Ennis advised. The situation is being monitored. The department is also monitoring the traffic volume at Crow Drive and Route 82. Sergeant Ennis reported that Macedonia's jail was in 100% compliance relative to a recent 81 point standards of review. Sergeant Ennis offered special thanks to maintenance personal Jeff Hall and Ed Mrak for keeping the jail facility pristine.

Mayor Kuchta mentioned that Sergeant Ennis in his modestly did not mention he is the jail supervisor.

Regular Council

October 23, 2008

Law Department Mr. Hanculak had no report.

Unfinished business None

New business None

There being no further business before Council, the meeting adjourned at 9:20pm

Mayor's report ////October 23, 2008

I was notified by NOPEC yesterday about some critical information regarding our electric rates. NOPEC is our community conglomerate that allows us to get cheaper rates for our natural gas and electricity. We have been the recipient of cheaper rates through them for years. Last Month NOPEC asked FirstEnergy to extend the current rate from December 2008 until the corporation's permanent rate plan is approved by the Public Utilities Commission of Ohio expected by March 2009. This decision means that we will lose the current 5% NOPEC generated discount effective January 1st, 2009. This will be in addition to the rate increase expected to occur in 2009 from FirstEnergy's proposed rate plan. NOPEC feels that this is being done not out of need, but out of greed. NOPEC claims that continuing our discount for several months will do little to this big corporation's profit margins, but is a devastating blow to our pocketbooks. NOPEC feels that FirstEnergy's PUCO applications are anti-competitive and illegal. NOPEC also feels that if they are granted, they will prevent NOPEC's continuing success to save us money. NOPEC is urging us to notify the PUCO, and the Governor, and his energy advisor, and our state Representative Brian Williams. We will make their addresses and phone numbers available at my office, at the front desk, and on our website.

"Back in 2006, talks opened to investigate the possibility of forming an actual fire district but around May of that year ALL participants in those talks decided that it would be better to concentrate the talks and the resulting study process on a COOPERATIVE ENHANCEMENT of services, training and personnel. Again, ALL FIVE COMMUNITIES AGREED TO THIS. The primary reason for this decision was because we all knew that there were definite preliminary steps that had to be taken to see if an actual fire district would be feasible and workable". This last paragraph was a quote taken from THE OFFICIAL NEWSLETTER of Northfield Center dated July first, 2008. It is truly unfortunate that we were not able to continue that study because Northfield Center pulled out. We were going to apply for a grant that if received, could have taken us all the way to completion. This would have funded John Preuer and his company (which includes the President of the top Ohio Fire Chiefs) to have given us direction and valuable input. John had warned against jumping into a fire district without looking at other viable options, mostly because of the impact it would have on the tax payers. Macedonia residents have graciously given us a funding mechanism that will allow us to have 5 men on a shift. That passed Levy took our fire tax millage to 1%. A Fire District will at least double that. All the money to run a Fire District comes out of real estate taxes. Much of our cost is paid by the City income tax we get from our businesses. We have certified licensed EMS firemen. We have the most and best equipment. We also have our own radio tower and system and our own dispatch center. We will not be joining in the District attempt. The number one reason for that is that we were not asked. However, if you think about it, doing that would actually be like taking a step backwards anyway. When you are in a Fire District you cannot control, as we can now, who is chosen to serve your residents. All of our safety forces here in Macedonia, are controlled by a very stringent Civil Service Commission. There is testing and background checks to insure that we get the best of the best. We have a Chief that is known and respected as one of the best around. He is one of the top 60 FEMA experts in a three state area.

Another very good reason is that Macedonia is rated a 4 on a scale that determines your fire insurance rating. 87% of the State is rated higher than that, resulting in more expensive fire insurance. I still look forward to interaction with the Village of Northfield. We are presently looking at an automatic aid agreement with them that would be another step toward regionalization without increased taxation. I would also hope to continue to serve Boston Heights as we have for years, providing them EMS and Dispatch service. We have even offered to help Sagamore Hills to form their own fire department so that they have something to show for money spent for Fire and EMS services. We would be glad to help them get it started. I am not stating that our neighbors should not explore the option of forming a fire District. They need to constantly search for ways to take the best care they can of their residents. We would do that if necessary. I am stating that we are in great shape to just be the Macedonia Fire Department, and

Regular Council

October 23, 2008

are maximizing, to the best of our ability, the value of what you get for your tax dollar. I think it may be a little risky to align ourselves with those who cast aside the information they paid to get, and probably never intended to follow. 4 months ago it was being said by those who pulled out that "bigger is not better".

I wish our neighbors luck and hope they can quickly form a District that will come up to the standard they need to pursue, to protect the health, safety, and welfare, of their residents.

I enjoyed having the children from Rushwood at City Hall today and look forward to seeing the children at the Fire Department's Halloween party this Saturday. I also can't wait to see the "ghosts" and "goblins" that show up on my doorstep on Halloween night.

Don't forget that our Fire Department will be helping Josh Grobeck in early November. Tim will fill you in on that.