

Record of Proceedings
Regular Council Meeting
January 9, 2014

1 Presiding Officer, Mayor Donald Kuchta called the January 9 regular meeting of Macedonia City Council
2 to order at 7:31pm.

3
4 **Present:** Council members' Rita Darrow, David Engle, Sylvia Hanneken and Nicholas Molnar;
5 Law Director Joseph W. Diemert, Jr. and Council Clerk Josephine Arceci

6
7 **Absent:** Councilor Janet Tulley

8
9 **PLEDGE OF ALLEGIANCE** led by Mayor Kuchta

10
11 **INVOCATION** led by Councilor Molnar

12
13 **PRESENTATION** Executive Director Yolanda Walker of ReWorks (Summit Akron Solid Waste
14 Authority) provided a power-point presentation relative to the amended Solid Waste Manage Plan
15 adopted by ReWorks' Board of Trustees on November 12, 2013. The Plan, reviewed every five years,
16 must be approved or disapproved by Summit County communities by February 12, 2014. Reworks
17 determines that the Plan has been approved when the communities with a combined population
18 comprising 60 percent of the County has approved the Plan. The City of Akron is included in that
19 computation. Ms. Walker explained that he vision of ReWorks (an acronym for Rediscover, Reduce,
20 Reuse, Recycle. It Works.) is for Summit County to be a zero-waste community through leadership,
21 education and engagement. ReWorks is committed Ms. Walker continued to increase public awareness
22 and to provide the tools and programs necessary to make an environmental impact that has never been
23 stronger. Ms. Walker provided a colorful hand-out illustrating SASWMA/ReWorks at a glance.

24
25 Council President Engle asked Service Director DeGaetano to review Macedonia's refuse/street recycling
26 agreement with Republic Waste to determine if the agreement allows recycling plastics graded 1 through
27 7. Mr. Engle recalls that only plastics grade 1 & 2 are permitted because ReWorks accepts the full
28 spectrum, 1-7.

29
30 **□□□ ELECTION OF COUNCIL OFFICERS □□□**

31
32 **Council President**

33
34 Mr. Molnar moved to nominate Ms. Tulley to the position of council president.

35
36 Ms. Darrow moved to nominate Mr. Engle to the position of council president. Second by Ms.
37 Hanneken.

38
39 There being no further nominations, nominations were closed.

40
41 Roll call relative to the nomination of Mr. Engle to the position of council president.

42
43 Roll call: Ayes: Darrow, Engle, Hanneken

44 Nays: Molnar

45 The motion was carried

46 **Mr. Engle elected 2014 Council President.**

47
48 Footnote: Although roll call on the nomination of Ms. Tulley to the position of council president was not
49 officially taken Councilor Molnar expressed his support of Ms. Tulley by singularly voting aye.

50
51 **Council Vice-President**

52
53 Mr. Engle moved to nominate Ms. Hanneken to the position of council vice president. Second by Ms.
54 Darrow.

55
56 There being no further nominations, nominations were closed. Roll call on the nomination of Ms.
57 Hanneken carried unanimously on a voice vote. **Ms. Hanneken elected 2014 Council Vice-President.**

58
59
60 **Council Representative to the Planning Commission**

61
62 Mr. Molnar moved to nominate Ms. Darrow to the position of Planning Commission representative.
63 Second by Mr. Engle.

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64 There being no further nominations, nominations were closed. Roll call on the nomination of Ms. Darrow
65 carried unanimously on a voice vote. **Ms. Darrow elected 2014 Council representative to Planning**
66 **Commission**

67
68 **Council Representative to the Parks & Recreation Commission**

69
70 Mr. Molnar moved to nominate Ms. Tulley Council representative to the Parks & Recreation
71 Commission. Second by Ms. Hanneken.

72
73 There being no further nominations, nominations were closed. Roll call on nomination of Ms. Tulley
74 carried unanimously on a voice vote. **Ms. Tulley elected 2014 Council representative to Parks &**
75 **Recreation Commission**

76
77 **Finance Chair**

78
79 Mr. Engle moved to nominate Ms. Hanneken to position of Finance Chair. Second by Ms. Darrow.

80
81 Mr. Molnar moved to nominate Ms. Tulley to position of Finance Chair.

82
83 There being no further nominations, nominations were closed.

84
85 Roll call relative to the nomination of Ms. Hanneken.

86
87 Ayes: Darrow, Engle, Hanneken.

88 Nays: Molnar

89 The motion was carried. **Ms. Hanneken elected 2014 Chair to Finance**
90 **Committee of the Whole**

91
92 Footnote: Although there was no second to nomination of Ms. Tulley to finance chair, Mayor Kuchta
93 asked for roll call by voice vote. The only audible voice vote was Mr. Molnar. His vote was aye.

94
95 **JEDD Board**

96
97 Mr. Engle moved to nominate Mr. Molnar to the vacancy to the JEDD Board created by Mr. Engle's
98 resignation from the same. Second by Ms. Darrow.

99
100 There being no further nominations, nominations were closed. Roll call on nomination of Mr. Molnar
101 carried unanimously on a voice vote.

102
103 **Council Committee Assignments** (To be assigned)

104
105 **PUBLIC COMMENTS**

106 Michael Miller, Berkshire Road resident and former member of Macedonia City Council congratulated and
107 wished well the newly elected members to Council. Mr. Miller mentioned that he received a telephone call
108 from a Macedonia business owner who complained to Mr. Miller that when he called the police department
109 about a crime in progress but was told there were no detectives on duty. The call about the crime was after
110 4:30pm. Mr. Miller feels a detective should have been on duty and serious consideration should be given to
111 insure coverage or at the very least for officer to immediately respond immediately. Mr. Miller added that
112 the business owner has yet to hear from the police department. Mr. Miller was assured by Mayor Kuchta that
113 the matter would be looked into.

114
115 Regarding another topic, Michael Menhart, South Bedford Road resident, former member of Macedonia City
116 Council and current member of Macedonia Civil Service Commission stated, "I'm here this evening to read a
117 brief statement in response to Mr. Engle's email that he sent to the Mayor. I believe it was brought to Mr.
118 Engle's attention by Mrs. Hannah that I haven't been attending Civil Service Commission meetings. In this
119 email Mr. Engle stated that because of my attendance records he thinks I should be allowed to resign and that
120 if I'm unwilling to resign that he will make a motion at the January 23rd meeting removing me from the
121 Commission. I've made attempts to resolve this issue with no success. I'm disappointed that Mr. Engle
122 made these treats without talking to me or other commission members to gather facts surrounding this matter.
123 I believe Mr. Engle's actions have tarnished my reputation and I also feel I have been discriminated against.
124 I've been treated with little or no respect regarding this issue. I'm here tonight to let Council know that I
125 have no intention of resigning. I also let the Commission know I'm not resigning. I'm also here to let know
126 Council know my intentions. The first is that if the Commission schedules a meeting prior to 10am I will file
127 a complaint with the Department of Justice under ADA for falling to provide reasonable accommodations. I
128 am also requesting that at the January 23 council meeting Mr. Engle make a statement clearing me of any

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129 wrong doing regarding this issue and to acknowledge that he nor Council have any authority to remove him
130 from the Commission. If this does not happen at the next council meeting I plan on filing a discrimination
131 suit against the City and because of this possible legal action. I will not discuss this any further in a public
132 forum.”

133
134 Council President Engle responded to Mr. Menhart. “I did not tarnish your reputation because I did not bring
135 this public. In my email I said I had learned about it. I did not want to bring it public during the campaign
136 because I did not want to politicize it. But I was concerned, and I did check with Josephine that you had not
137 been attending meetings for 2-3 years. I didn’t hear from Mrs. Hannah so don’t drag Mrs. Hannah into it.”
138

139 Mr. Menhart told Mr. Engle it has been 2- years he has been unable to attend meetings. Mr. Menhart
140 inquired who Mr. Engle heard it from.

141
142 Mr. Engle’s response, “I just heard. It was gossip. I checked it out through public records. I did not take a
143 private email to the Mayor and announce it to the world as you chose to do tonight.”
144

145 Mr. Menhart responded that he wanted his feelings to be known.

146
147 Mr. Engle answered, “That’s fine. You want to make it known, than make it known. But don’t accuse me of
148 disparaging your integrity or your reputation when I kept it private. I just said we need to know what is going
149 on. I am satisfied to the explanation that was given to me.”

150
151 Mr. Menhart said to Mr. Engle, “You never attempted to find out what was going on with me.”
152

153 Mr. Engle’s response, “What made more sense was to go to the administration who runs the City. Now if
154 that offended you, I can’t take that back but I sure as heck did not make it public.”
155

156 Mr. Menhart answered, “I just did.” to which Mr. Engle responded back, “That’s whatever you want to do. I
157 did nothing wrong.”
158

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

160
161 **RES. NO. 1 -2014**

162 A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE SUMMIT
163 AKRON SOLID WASTE MANAGEMENT AUTHORITY was **offered** by Mr. Engle and moved Council
164 waive the requirement that it be read by title on three different days, instructing the Clerk to read it by
165 **title only for all three readings**. Second by Mr. Molnar.

166
167 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
168 Nays: None.
169 The motion carried.
170

171 Mr. Engle moved, Mr. Molnar seconded, to **adopt RES. NO. 1-2014**, and post same according to law.
172

173 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
174 Nays: None.
175 The motion carried, **RES. NO. 1-2014, declared adopted**.

176 **RES. NO. 2 -2014**

177 A RESOLUTION TERMINATING THE ELECTED OFFICIAL RECREATION FEE DISCOUNT TO
178 THE MACEDONIA FAMILY RECREATION CENTER was **offered** by Ms. Hanneken and moved
179 Council waive the requirement that it be read by title on three different days, instructing the Clerk to read
180 it by **title only for all three readings**. Second by Mr. Molnar.

181
182 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
183 Nays: None.
184 The motion carried.
185

186 Mr. Engle moved, Mr. Molnar seconded, to **adopt RES. NO. 2-2014**, and post same according to law.
187

188 Roll call: Ayes: Hanneken
189 Nays: Darrow, Engle and Molnar
190 The motion failed. **RES. NO. 2-2014, failed**.

191
192
193
194

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195 **ORD. NO. 3-2014**

196 AN ORDINANCE REPEALING ORDINANCE NO. 3-2012 PASSED ON FEBRUARY 9, 2012 WITH
197 PROVIDED EMPLOYEE HEALTH CARE BENEFITS TO MEMBERS OF COUNCIL AND
198 AMENDING CODIFIED ORDINANCE SECTION 161.20 (c) by REMOVING IT was **offered** by Ms.
199 Darrow and moved Council waive the requirement that it be read by title on three different days,
200 instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Engle.

201
202 Roll call: Ayes: Darrow, Engle, Molnar
203 Nays: Hanneken
204 **The motion failed****

205
206 ****ORD. NO. 3-2014 to remain at its first reading for the lack of the suspension of 3-Reading Rule.**
207 **Pursuit to Charter amendment effective January 2014, 4/5 vote (4 votes) required to suspend**
208 **rules.**

209
210 **ORD. NO. 4 -2014**

211 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COBRA COMPLIANCE
212 ADMINISTRATIVE SERVICE AGREEMENT WITH CONTINUED CARE ADMINISTRATORS,
213 INC. FOR THE YEAR 2014 WITH REGARD TO ALL ELIGIBLE CITY OF MACEDONIA
214 EMPLOYEES was **offered** by Mr. Molnar and moved Council waive the requirement that it be read by
215 title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by
216 Mr. Engle.

217 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
218 Nays: None.
219 The motion carried.

220
221 Mr. Molnar moved, Mr. Engle seconded, to **adopt ORD. NO. 4-2014**, and post same according to law.

222
223 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
224 Nays: None.
225 The motion carried, **ORD. NO. 4-2014, declared adopted.**

226
227 Relative to ORD. NO. 4-2014, Council President Engle explained that Macedonia's previous health care
228 management partner, BORMA, tracked COBRA coverage when it was required. Summit County,
229 Macedonia's new health management partner does not and thus the reason for the one year agreement with
230 Continued Care Administrators, Inc, for a cost of \$900.00.

231
232 **ORD. NO. 5 -2014**

233 AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT OF MATT HARMON TO THE
234 POSITION OF PART-TIME FIREFIGHTER was **offered** by Ms. Hanneken and moved Council waive the
235 requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for**
236 **all three readings**. Second by Ms. Darrow.

237
238 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar
239 Nays: None.
240 The motion carried.

241
242 Ms. Hanneken moved, Mr. Molnar seconded, to **adopt ORD. NO. 5-2014**, and post same according to
243 law.

244 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar
245 Nays: None.
246 The motion carried, **ORD. NO. 5-2014, declared adopted.**

247 **ORD. NO. 6-2014**

248 AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT OF BENJAMIN WELSH TO THE
249 POSITION OF PART-TIME FIREFIGHTER was **offered** by Mr. Engle and moved Council waive the
250 requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for**
251 **all three readings**. Second by Mr. Molnar.

252
253 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar
254 Nays: None.
255 The motion carried.

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261 Mr. Engle moved, Mr. Molnar seconded, to **adopt ORD. NO. 6-2014**, and post same according to law.

262

263 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar

264 Nays: None.

265 The motion carried, **ORD. NO. 6-2014, declared adopted.**

266

267 **ORD. NO. 7 -2014**

268 AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF MIA BROWN TO
269 THE POSITION OF PART-TIME DISPATCHER was **offered** by Ms. Darrow and moved Council waive
270 the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only**
271 **for all three readings**. Second by Mr. Molnar.

272

273 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar

274 Nays: None.

275 The motion carried.

276

277 Ms. Darrow moved, Mr. Molnar seconded, to **adopt ORD. NO. 7-2014**, and post same according to law.

278

279 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar

280 Nays: None.

281 The motion carried, **ORD. NO. 7-2014, declared adopted.**

282 **ORD. NO. 8 -2014**

283 AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF PATRICIA OROSZ
284 TO THE POSITION OF PART-TIME DISPATCHER was **offered** by Mr. Molnar and moved Council
285 waive the requirement that it be read by title on three different days, instructing the Clerk to read it by
286 **title only for all three readings**. Second by Ms. Hanneken.

287

288 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar

289 Nays: None.

290 The motion carried.

291

292 Mr. Molnar moved, Mr. Engle seconded, to **adopt ORD. NO. 8-2014**, and post same according to law.

293

294 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar

295 Nays: None.

296 The motion carried, **ORD. NO. 8-2014, declared adopted.**

297

298 **MOTIONS/ OTHER LEGISLATIVE ACTION** None

299

300 **CORRESPONDENCE:** None

301

302 **MAYOR'S REPORT:**

303

304 The Mayor reported that the mesh screening installed by Norfolk Southern under the Ledge Road
305 Bridge to keep debris and loose sandstone from falling is a temporary means of repair. The
306 administration is making every attempt to get the 100-year old bridge fully and completely
307 repaired. The bridge should not only be repaired but it is the opinion of the administration that it
308 should be heightened and for certain widened. On December 16, 2013 a serious head-collision
309 occurred were miraculously there was no loss of life. The administration's fear in not just about
310 vehicular accidents in that area but derailment the Mayor stated Everyday tankers filled with
311 questionable liquids travel at speeds over 50 miles per mile. Something has to be done he added
312 it is a disaster waiting to happen.

313

314 The Mayor reminded residents to sign up for "Nixle" a text medium whereby users are apprised
315 of road and weather conditions and water main breaks, etc. One need only dial 888777 plus their
316 zip code to get current, up-to-date information. In addition to "Nixle" Macedonia has city app.
317 Using the app, those with Smartphones can send a photo of a chuck hole and along with the photo
318 will be the exact GPS coordinated. There is no need to follow up with an address. The City app
319 allows Smartphone users to view City Council and Planning Commission meetings.

320

321 Mayor Kuchta thanked his directors and entire staff for their commitment and for what he said
322 has been accomplished in Macedonia for year 2013. Mayor Kuchta in particular thanked
323 Building Commissioner Mike Hlad and Police Chief Jon Golden for their assistance regarding the
324 relocation of the IR 271 northbound ramp.

325

326 Mayor Kuchta announced that Mayor Court revenue for December 2013 was \$31,724

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327
328 Mayor Kuchta reported that SR82 will be resurfaced from IR271 overpass to corporate to the
329 west this year.
330

331
332 **COMMITTEE REPORTS:**
333

334 **Planning Commission** Ms. Darrow announced that on December 30th Planning approved a conditional
335 use permit relative to the Vista Spring assisted living facility to be located at 30 Girl Scout Way (South
336 Park Drive and S. Bedford Road). The next Planning meeting is January 13, 2014 at 5:30pm. She
337 announced that the agenda includes proposed wall mount signs for Sally Beauty Supply at 8210
338 Macedonia Commons and Original Mattress Factory at 822 Golden Link Blvd.
339

340 **DEPARTMENT REPORTS**

341
342 **Service Department** Director DeGaetano reported service crews are cold patching and continuing with
343 the leaf collection program since there has been a brief break in the weather. Mr. DeGaetano assured
344 residents concerned about leaf damage to tree lawns that full restoration will take place in the springtime.
345 Mr. DeGaetano announced that the City of Macedonia and the communities in the counties of Summit
346 and Portage Macedonia who are jointed in a collaboration sharing equipment and personnel have been
347 recognized by Governor Kasich for their team approach to management and cost containment.
348

349 **Building Commissioner** Mr. Hlad reported that GFS (Gordon Food Services) to be located on
350 Aurora Road continues working on its site plans as does Design Molded Plastics. The plans for Vista
351 Springs are being reviewed and 2013 year totals are being prepared. Mr. Hlad mentioned that this
352 evening Council received the "2014 Capital Improvement Planning, Roadway, Storm, Sanitary and
353 Miscellaneous Project Report." Within the report: 10 prioritized road projects, 3 storm water projects, 1
354 sanitary sewer assessment project and 1 miscellaneous project (improvement to Recreation Center park
355 lot)
356

357 **Engineer** Ms. Jackie Hale, GPD engineer reported that her department is reviewing priority road
358 projects.
359

360 **Recreation Department** Ms. Gmerek reported that registration for spring soccer is opened until March
361 1. The program for boys and girls ages 4-14 runs from March through June. The Future Fitness program
362 that runs twice a year begins January 28 Ms. Gmerek stated. The program helps children ages 8-13 lose
363 weight safely in a gradual way. The program held after school on Tuesdays and Thursdays provides
364 nutritional guidance and exercise experience. Lastly Ms. Gmerek reported that plans are underway for
365 2014 Spirit of Macedonia Festival to be held from June 5-8.
366

367 **Finance Department** Mr. Svab reported that the balance of all funds at the being of 2013 was
368 \$6,276M. The ending unexpended balance was \$7,864M. Highlights of the budget Mr. Svab stated:
369 additional collection of \$750,000 in income tax and over \$75,000 additional revenue from EMS services
370 due primarily to increased call volume. As an aside Mr. Svab mentioned that pursuant to ordinance 10%
371 of revenue from EMS services is transferred to the F.A.I.R program for fire safety education in the
372 schools. Generally speaking Mr. Svab stated 2013 was a good financially. Mr. Svab reported that
373 Macedonia received \$32,000 Nature Works 75/25 matching grant from the Ohio Department of Natural
374 Resources, Division of Wildlife. The grant will be used for playground equipment at Sugarbush Park.
375 The equipment will be installed by Macedonia service department he added. Legislation will be
376 forthcoming he explained regarding a trails grant for Longwood Park he'd like to apply for. The grant
377 application is February 1 he added. Mr. Svab announced that a Children's Finishing Clinic is being
378 offered on Saturday, February 15 or Saturday March 8 from 1-3pm at the pool of the Recreation Center
379 for children ages 10 and under. The clinic entitled "Passport to Fishing" will provide refreshments and
380 fishing poles. Registration is free but space is limited he added. The cost of these programs is paid
381 entirely through ODNR grants the city received last year for this year Mr. Svab stated.
382

383 **Fire Department** Chief Black thanked the Mayor and Council for the final appointments of Part-
384 time firefighters Harmon and Welsh, both of whom had successful probationary periods. Chief Black
385 reported that fire department had 1541 EMS service runs in 2013 compared to 1495 in 2012. Chief Black
386 stated that residents are soft-billed for these runs. This means the City accepts only the amount paid by
387 their insurance provider. Residents are not responsible for any costs out-of-pocket he added.
388

389 **Police Department** Chief Golden assured Mayor Kuchta there will be a follow-up to Mr. Michael
390 Miller's complaint. Chief Golden explained for over 30-years there have been only two officers in the
391 detective bureau. Current staffing does not permit moving a third officer to the bureau. There were to
392 have been two additional appointments included in last's year's budget but they were put on hold Chief

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393 Golden stated. The additional appointments would have provided the manpower to make changes. The
394 intent was to add another officer to the bureau primarily to work the afternoon shift. Typically the
395 detectives do not work beyond their shifts because of the time they spend in court with the prosecutor.
396 There are days however when they must arrive early or leave late. Chief Golden encourages residents and
397 business owners who are concerned by what they may see or hear to contact the police department
398 directly. Chief Golden also encouraged residents to sign up of Nixle and that the police department of
399 Facebook.

400
401 Regarding another matter and on behalf of a resident's inquiry Councilor Darrow asked Chief Golden if
402 officers are required to include their name and badge numbers on issued citations/tickets to which Chief
403 Golden answered that they There are a number of new officers who may need reminded about that he
404 added.

405
406 **Law Department** Mr. Diemert had no report.

407
408 **Unfinished business** None.

409
410 **New business** Councilor Molnar thanked everyone for their congratulation and well-wishes on the birth
411 of his son Leonardo Nicholas born December 2013. Councilor Molnar thanked the department heads for
412 their professionalism and service naming each one personally.

413
414 There being no further business before council, the meeting was adjourned at 8:37pm

415
416
417 Date: _____

418
419
420
421 Attest: _____
422 Josephine Arceci, CMC, Clerk of Council
423

424
425 Mayor: _____
426 Donald Kuchta
427