

Record of Proceedings  
Regular Council Meeting  
January 23, 2014

1 Presiding Officer, Mayor Donald Kuchta called the January 23 regular meeting of Macedonia City  
2 Council to order at 7:30pm.

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

6 **Absent:**

7  
8 **PLEDGE OF ALLEGIANCE** led by Council President Nick Molnar

9  
10 **INVOCATION** led by Mayor Kuchta

11  
12 **PUBLIC COMMENTS** None

13  
14 **INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

15  
16 **ORD. NO. 3-2014**

17 AN ORDINANCE REPEALING ORDINANCE NO. 3-2012 PASSED ON FEBRUARY 9, 2012 WITH  
18 PROVIDED EMPLOYEE HEALTH CARE BENEFITS TO MEMBERS OF COUNCIL AND  
19 AMENDING CODIFIED ORDINANCE SECTION 161.20 ( c) by REMOVING IT was **offered** by Ms.  
20 Tulley and moved Council waive the requirement that it be read by title on three different days,  
21 instructing the Clerk to read it by **title only for its second & third readings**. Second by Mr. Engle.

22  
23 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
24 Nays: None  
25 The motion passed.

26  
27 Ms. Tulley moved, Mr. Engle seconded, to **adopt ORD. NO. 3-2014**, and post same according to law.

28  
29 Roll call: Ayes: Hanneken, Tulley  
30 Nays: Darrow, Engle and Molnar  
31 The motion failed, **ORD. NO. 3-2014, failed**.

32  
33 Relative to ORD. NO. 3-2014, Councilor Hanneken explained that even prior to her election she opposed  
34 Council passing health care benefits for themselves because the position is part-time and because  
35 Macedonia's part-time employees do not receive health care coverage. Ms. Hanneken wanted the  
36 ordinance repealed in fairness to the employees and to also set an example.

37  
38 **ORD. NO. 9 -2014**

39 AN ORDINANCE APPROVING A CLERICAL AMENDMENT TO THE COLLECTIVE  
40 BARGAINING CONTRACT WITH I.A.F.F LOCAL 3947 REGARDING FIREFIGHTERS was **offered**  
41 by Ms. Hanneken and moved Council waive the requirement that it be read by title on three different days,  
42 instructing the Clerk to read it by **title only for all three readings**. Second by Ms. Tulley.

43  
44 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
45 Nays: None  
46 The motion passed.

47  
48 Ms. Hanneken moved, Ms. Tulley seconded, to **adopt ORD. NO. 9-2014**, and post same according to  
49 law.

50 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
51 Nays: None  
52 The motion carried, **ORD. NO. 9-2014, declared adopted**.

53 **ORD. NO. 10-2014**

54 AN ORDINANCE APPROVING A CLERICAL AMENDMENT TO THE COLLECTIVE  
55 BARGAINING CONTRACT WITH THE OHIO PATROLMAN'S BENEVOLENT ASSOCIATION  
56 REGARDING PATROL OFFICERS was **offered** by Ms. Hanneken and moved Council waive the  
57 requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for**  
58 **all three readings**. Second by Ms. Tulley.

59  
60 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
61 Nays: None  
62 The motion passed.

63  
64 Ms. Hanneken moved, Ms. Tulley seconded, to **adopt ORD. NO. 10-2014**, and post same according to  
65 law.

66 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
67 Nays: None  
68 The motion carried, **ORD. NO. 10-2014, declared adopted**

69

Record of Proceedings  
Regular Council Meeting  
January 23, 2014

70 **ORD. NO. 11-2014**

71 AN ORDINANCE APPROVING A CLERICAL AMENDMENT TO THE COLLECTIVE  
72 BARGAINING CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR  
73 COUNCIL, INC. REGARDING ALL MACEDONIA POLICE SERGEANTS was **offered** by Ms.  
74 Hanneken and moved Council waive the requirement that it be read by title on three different days,  
75 instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Engle.

76  
77 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
78 Nays: None  
79 The motion passed.

80  
81 Ms. Hanneken moved, Mr. Molnar seconded, to **adopt ORD. NO. 11-2014**, and post same according to  
82 law.

83 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
84 Nays: None  
85 The motion carried, **ORD. NO. 11-2014, declared adopted.**

86 **ORD. NO. 12 -2014**

87 AN ORDINANCE APPROVING THE PURCHASE, INSTALLATION AND TRAINING PACKAGE  
88 REGARDING FINGERPRINT TIME CLOCKS FOR USE BY CERTAIN EMPLOYEES FROM THE  
89 CLEVELAND TIME CLOCK AND SERVICE COMPANY AND REPEALING SECTION 1 OF  
90 ORDINANCE NO. 9-2013 was offered by Mr. Engle for its **first reading by title only**. Second not  
91 required.

92  
93 **ORD. NO. 13-2014**

94 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MACEDONIA OCCUPANCY  
95 PROGRAM GRANT AGREEMENT WITH AMERICAN LIGHT METALS, LLC, dba EMPIRE DIE  
96 CASTING COMPANY was **offered** by Mr. Molnar and moved Council waive the requirement that it be  
97 read by title on three different days, instructing the Clerk to read it by **title only for all three readings**.  
98 Second by Ms. Tulley.

99  
100 Roll call: Ayes: Darrow, Engle, Molnar and Tulley  
101 Nays: Hanneken  
102 The motion passed.

103  
104 Mr. Molnar moved, Ms, Tulley seconded, to **adopt ORD. NO. 13-2014**, and post same according to law.

105  
106 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
107 Nays: None  
108 The motion carried, **ORD. NO. 13-2014, declared adopted.**

109  
110 Regarding ORD. NO. 13-2014, Mayor Kuchta explained Empire Die Casting remaining in Macedonia is  
111 very good news in part because of the 40-year history this company has had with City and because about  
112 200 jobs will be retained. As Macedonia's 4<sup>th</sup> largest employer a substantial amount of tax revenue is  
113 generated from its payroll.

114  
115 Councilor Hanneken explained that while she voted to approve the MOP agreement, she believes  
116 ordinances of substantive issues, such as this agreement should be given three readings to allow the public  
117 the opportunity to weigh-in particularly regarding matters of expenditures. Empire Die Casting is a good  
118 company and for this reason she is pleased that they're remaining in Macedonia.

119  
120 Councilor Molnar interjected that he has been was adamant in the past that three readings should be had  
121 regarding the same or similar types of agreements. Under this scenario however, retaining jobs in  
122 Macedonia, the long history this company has had with Macedonia, the financial crisis the company has  
123 experienced and the fact they have a buyer, expediency was appropriate.

124  
125 **RES. NO. 14 -2014**

126 A RESOLUTION CONFIRMING THE CONDITIONAL USE ZONING CERTIFICATE APPROVAL  
127 ISSUED BY THE PLANNING COMMISSION REGARDING LONGWOOD MANOR 1634 EAST  
128 AURORA ROAD was **offered** by Ms. Darrow **for its first reading by title only**. Second not required.

129  
130 **RES. NO. 15 -2014**

131 A RESOLUTION APPOINTING KEN MARTIN TO THE PLANNING COMMISSION IN ORDER TO  
132 FILL A RECENT VACANCY was **offered** by Ms. Tulley and moved Council waive the requirement that  
133 it be read by title on three different days, instructing the Clerk to read it by **title only for all three**  
134 **readings**. Second by Mr. Molnar.

135  
136 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
137 Nays: None  
138 The motion passed.

139

Record of Proceedings  
Regular Council Meeting  
January 23, 2014

140 Ms. Tulley moved, Mr. Molnar seconded, to **adopt RES. NO. 15-2014**, and post same according to law.

141

142 Roll call: Ayes: Molnar, Tulley  
143 Nays: Darrow, Engle and Hanneken  
144 The motion failed, **RES. NO. 15-2014, failed.**

145 **RES. NO.16-2014**

146 A RESOLUTION ACKNOWLEDGING AND APPROVING THE DIRECTOR OF FINANCE TO  
147 FILE, ON BEHALF OF THE CITY OF MACEDONIA, A GRANT FOR FINANCIAL ASSISTANCE  
148 FROM THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES UNDER THE  
149 RECREATIONAL TRAILS PROGRAM FOR THE REVITILIZATION OF LONGWOOD PARK was  
150 **offered** by Ms. Tulley and moved Council waive the requirement that it be read by title on three different  
151 days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Molnar.

152

153 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
154 Nays: None  
155 The motion passed.

156

157 Ms. Tulley moved, Mr. Molnar seconded, to **adopt RES. NO. 16-2014**, and post same according to law.

158

159 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
160 Nays: None  
161 The motion carried, **RES. NO. 16-2014, declared adopted.**

162

163 Regarding RES. NO. 16-2014, Finance Director Svab explained that the grant is 80/20 match and could  
164 be in an amount up to \$150,000. This grant will be used to resurface and restore the existing trail in  
165 Longwood Park with a crushed limestone base and asphalt top. In addition to obvious repairs, the trail  
166 will be marked with signage and rest areas created. The trail would also be ADA compliant he added.

167

168 Council President Engle thanked Mr. Svab for initiating the grant application.

169

170 Councilor Hanneken agreed, thanking Recreation Director Gmerek as well.

171

172 Councilor Tulley mentioned that the administrations and Councils past tried the make upgrades but  
173 stopped short of the goal. She is happy that the issue is back on the table and that it will be truly ADA  
174 compliant.

175

176 **MOTIONS/ OTHER LEGISLATIVE ACTION** None

177

178 **CORRESPONDENCE:** None

179

180 **MAYOR'S REPORT:**

181

182 Mayor Kuchta reported that he was before the House State and Local Government Committee in  
183 Columbus on January 23<sup>rd</sup> to plead Macedonia's case of receiving a portion of Ohio's Casino  
184 Operator Fund. Also before the committee were Mayor's Kevin Hurst of Walton Hills and Jesse  
185 Nehez of Northfield Village. Mayor Kuchta explained that the state of Ohio makes a payment of  
186 \$1M each year to the communities in which casinos are located. State Representative Marlene  
187 Anielski and former Walton Hills mayor has introduced a bill to allow the annual payment to be  
188 split proportionally among communities in which a casino is located. Representative Anielski's  
189 bill is important to Macedonia Mayor Kuchta explained because about 1/6 of the property of Hard  
190 Rock Rockcino Northfield Park is actually located in Macedonia. If Rep Anielski's bill passes  
191 Macedonia could receive about \$60,000 annually. Walton Hills would receive percentage and  
192 Northfield Village the remainder. As it presently stands Northfield Village has already received a  
193 million dollars. Mayor Nehez feels the village should continue receiving 100% of the money.  
194 From Mayor Kuchta's perspective however, Macedonia is entitled to a share of the annual  
195 allocation because of the traffic through Macedonia to the Rockcino. Mayor Hurst contends the  
196 same.

197

198 Mayor Kuchta reported that he had a breakfast meeting with Congressman David Joyce who  
199 replaced Congressman Steve LaTourette.

200

201 **COMMITTEE REPORTS:**

202 **Planning Commission** Ms. Darrow reported that on January 12<sup>th</sup> Planning discussed amending B-4  
203 zoning to allow Planning's discretion with regards to allowing conditional zoning certificates without  
204 councilmatic action. Signage relative to Sally Beauty Supply and Original Mattress Factory was  
205 reviewed as well. The next meeting of Planning is February 10 at 5:30pm.

206

207 **Longwood Manor History Society** Mr. Engle reported, on behalf of the LMHS, that gutters and  
208 downspouts were installed to the Manor House in December. The architect for the LMHS is preparing

Record of Proceedings  
Regular Council Meeting  
January 23, 2014

209 construction plans relative to electrical upgrades. Mr. Engle commended the MHS for the progress  
210 they've made.

211  
212

213 **City of Cleveland Clear Reads Device Update** Councilor Molnar explained that after his home water  
214 meter was replaced with the Clear Reads satellite device his water bill increased four times. All he got  
215 from calling Cleveland Water customer service was the around. Many others have experienced increased  
216 water bill and the same level frustration. For these reasons Mr. Molnar sponsored the resolution opposing  
217 the Cleveland's Clear Reads program. The result of the resolution was a meeting he and Mayor Kuchta  
218 had City of Cleveland Water Director Paul Bender. Ms. Hanneken also attended the meeting. The Clear  
219 Reads program Mr. Molnar has learned is pursuant to Cleveland Charter Mr. Molnar stated. The water  
220 service agreement Macedonia has with Cleveland Water mandates device upgrades, i.e. Clear Read  
221 devices replacing standard water meters. The new devices send water usage via satellite. Mr. Molnar  
222 learned the inconsistencies in water bills have primarily been because of technician error. Because of Mr.  
223 Molnar's voice and the City's position on the matter, Director Bender is committed to complete  
224 resolution and offered his office number (216.664.2440) to residents if they do not get results from  
225 Cleveland Water's customer service department. Mr. Molnar's personal problem was resolved as were  
226 the others. Mr. Molnar felt the meeting with Mr. Bender productive. Mr. Molnar expressed gratitude to  
227 Council and Mayor Kuchta for supporting his initiative.

228

229 Councilor Hanneken added that attending the meeting as well were three other representatives from  
230 Cleveland Water. Ms. Hanneken feels Cleveland's officials left the meeting fully aware that Macedonia's  
231 officials want nothing but total resolution.

232

233 **DEPARTMENT REPORTS**

234

235 **Service Department** Director DeGaetano reported that over 20 tons of cold patch has been poured this  
236 month. The extreme cold and fluctuation in weather temperatures is having a devastating effect on the  
237 roads he added. Mr. DeGaetano mentioned there have been serious heating problems within the City  
238 Center. Many of the heat pumps have deteriorated and need to be replaced. He is gathering quotes on  
239 replacing at least some. Mr. DeGaetano reported there are three main streets where leaves have not been  
240 collected. He assured residents that tree lawns will be fully restored in the spring if their leaves were not  
241 collected.

242

243 **Building Commissioner** In Mr. Hlad absence, Assistant Building Commissioner Dennis Saxe  
244 reported that there have been five new housing this year. There has been an inquiry relative to a portion  
245 of a vacant building and another on a vacant lot.

246

247 Mayor Kuchta mentioned that he and Mr. Saxe will be attending a meeting tomorrow relative to a  
248 potential hospice in Macedonia.

249

250 **Engineer** Mr. Fini reported that ODOT has begun right-of-way acquisition relative to the relocation of  
251 1R271 ramp to which Mayor Kuchta interjected that ODOT has this project on the fast-track.

252

253 **Recreation Department** Ms. Gmerek reported that a fund raiser called A Polar Plunge is being held at  
254 the Recreation Center on Saturday, February 8 in partnership with the Emergency Assistance Center. The  
255 cost to plunge is \$25. The fund raiser includes a live D.J, food and mock cold conditions she added. The  
256 Recreation Center is hosting a Daddy Daughter and Mother Son Dance for families with children ages 5-  
257 12. The registration deadline is February 1. The cost is \$15 per couple. Additional guests cost \$5 each.  
258 Ms. Gmerek reported that all the outside gutters have been replaced using capital dollars allocated in  
259 2013. She mentioned that the new cardio equipment purchased with 2013 capital dollars will be delivered  
260 next. This last order finally replaces all the original cardio equipment. The next capital purchase to  
261 tackle Ms. Gmerek stated in the weight room equipment. Regarding the Spirit of Macedonia Festival Ms.  
262 Gmerek stated the contract with the amusement vendor is currently being reviewed by the law  
263 department. The site plan has been drawn. The SMF will be held in the front parking lot of the  
264 Recreation Center. The dates of SMF are June 5-8. She added that commitments are being made several  
265 non-profit organizations, sponsors as well as food vendors and entertainers.

266

267 Councilor Hanneken thanked Ms. Gmerek for working with Executive Director Joyce Hunt of Emergency  
268 Assistance Center regarding their cause.

269

270 **Finance Department** Mr. Svab mentioned two finishing clinics Ms. Gmerek didn't mention that are  
271 being held at the Recreation Center for children ages 10 and under. One of the clinics is on Saturday,  
272 February 15 and the other Saturday March 8. The clinics entitled "Passport to Fishing" will be held at the  
273 pool from 1-3pm. Funding these events has been possible through ODNr Division of Wildlife Outdoor  
274 grants he added. Fishing poles and refreshments are being provided. The events are exercises in casting  
275 and other fishing techniques. In June there will be a larger fishing event that will be held at Longwood  
276 Park Lake, where there will be real fish. It is same event as was held last year on Father's Day week-end  
277 Mr. Svab stated. Regarding income tax revenue, Mr. Svab reported 2013 was a record year. Collections  
278 increased by \$790,263 or 10% over 2012. Companies' net profits attributed about 50% of the increase,

Record of Proceedings  
Regular Council Meeting  
January 23, 2014

279 withholding about 25% and individual taxpayers the other 25%. R.I.T.A however predicts revenue  
280 collections to drop by \$1.3M this year because the tax rate dropped to 2% January 1. The elimination of  
281 inheritance taxes and reductions in State Local Government may bring that loss to \$1.6M. There is going  
282 to be a revenue hole, business is not going to be as usual. There may have to be a reduction in capital  
283 expenditures or reduction in programming to keep Macedonia on track he added. A way to capture some  
284 of that loss Mr. Svab stated is to reconsider Macedonia's tax credit policy. R.I.T.A. reported in tax year  
285 2011 only 1839 or 23% of the 7992 returns filed in Macedonia were residents. These filers already work  
286 in municipalities where the income rate is 2.25% therefore they would not realize an increase in taxes with  
287 a 100% credit. Regarding the Recreation Center, Mr. Svab explained that expenses from 2012 and 2013  
288 are comparable. The difference between the two years was \$40,000 appropriated in 2013 for capital  
289 improvements. The Recreation Fund is healthy in part because of the temporary boost in the income tax  
290 rate. The boost increased the unencumbered balance \$1,023M in January 2013 to \$1,143M in December  
291 2013. The ¼% income tax allocated to the Recreation Center Fund will sundown in 2017. The City's tax  
292 rate will drop to 1.75%. Regarding the General Fund unencumbered balances Mr. Svab reported that in  
293 January 2013 it was \$2,513M, in December 2013 it was \$3,278M. The net increase after encumbrances:  
294 \$750,000. Mr. Svab reported the balance of all funds at the start of 2013 was \$6.2M. At the end of the  
295 year it was \$7.8M with an increase difference of \$1.6M. Some of these dollars Mr. Svab explained are  
296 attributed to transfers from the general fund to the capital improvement fund. Mr. Svab reiterated the  
297 City's finances are in good shape because of sound financial planning over the last three and because the  
298 economy is rebounding. Finance meetings will be forthcoming to prepare the 2014 appropriation for  
299 filing by March 31, 2014.

300  
301 **Fire Department** Chief Black reported that he attended the grand opening of the Tesla super  
302 charging station that is located at the north end of Macedonia Commons. Tesla stations are being  
303 installed nationwide in every one of the 450 retail shopping centers owned by Developer Diversified he  
304 stated. The Macedonia location is presently the only Tesla station in Ohio. The Tesla Roadster is a  
305 premium electric car that requires this type of charging station. Standard charging of electric vehicles  
306 takes about 4-hours Chief Black explained. Tesla turbo super charge takes about 20 minutes. The fire  
307 department has access to a specific shut-off valve in the eventuality of a safety disturbance.

308  
309 **Police Department** Sergeant Aaron Clelland who was present in Chief Golden's absence had no  
310 report.

311  
312 **Law Department** Mr. Diemert reported he has reviewed and approved the acquisition by ODOT of 10  
313 feet of Memorial Park for the widening of Aurora Rd/SR 82 to six lanes and the ramp relocation

314  
315 **Unfinished business** None.

316  
317 **New business** None.

318  
319 **EXECUTIVE SESSION**

320  
321 **At 8:20pm, Mr. Engle moved, Ms. Darrow seconded to adjourn into an Executive Session for the**  
322 **purpose of discussing pending litigation. [Law Director Diemert and Engineer Nick Fini were in**  
323 **attendance as well]**

324 **Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley**

325 **Nays: None**

326 **The motion passed.**

327  
328 At 9:30pm Council reconvened into its regular meeting and there being no further business, the meeting  
329 was adjourned at 9:31pm

330  
331  
332  
333 Date: \_\_\_\_\_

334  
335  
336  
337 Attest: \_\_\_\_\_  
338 Josephine Arceci, CMC, Clerk of Council

339  
340  
341 Mayor: \_\_\_\_\_  
342 Donald Kuchta