

Record of Proceedings

Regular Council Meeting

February 13, 2014

Presiding Officer, Mayor Donald Kuchta called the February 13th regular meeting of Macedonia City Council to order at 7:30pm.

Present: Council members' Rita Darrow, David Engle, Sylvia Hanneken, Nicholas Molnar and Janet Tulley; Assistant Law Director Thomas Hanculak and Council Clerk Josephine Arceci

Absent:

PLEDGE OF ALLEGIANCE was led by Councilor Engle

INVOCATION was led by Councilor Tulley

MINUTES December 12, 2013- Mr. Molnar moved, Ms. Darrow seconded to approve said minutes as submitted by the clerk of council.

Roll call: Ayes: Darrow, Molnar
Nays: None
Abstentions: Engle, Hanneken and Tulley
The motion carried

December 19, 2013- Mr. Molnar moved, Mr. Engle seconded to approve said minutes as submitted by the clerk of council.

Roll call: Ayes: Darrow, Engle and Molnar
Nays: None
Abstentions: Hanneken and Tulley
The motion carried

January 9, 2014- Mr. Engle moved, Ms. Hanneken seconded to approve said minutes as submitted by the clerk of council.

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
Nays: None
Abstentions: Tulley
The motion carried

January 23, 2014- Mr. Engle moved, Ms. Hanneken seconded to approve said minutes as submitted by the clerk of council.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried

FINANCIAL REPORT Mr. Hanneken moved, Mr. Engle seconded to approve Financial Report dated December 31, 2013 as submitted by the director of finance.

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Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried

PUBLIC COMMENTS None

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

ORD. NO. 12 -2014

AN ORDINANCE APPROVING THE PURCHASE, INSTALLATION AND TRAINING PACKAGE REGARDING FINGERPRINT TIME CLOCKS FOR USE BY CERTAIN EMPLOYEES FROM THE CLEVELAND TIME CLOCK AND SERVICE COMPANY AND REPEALING SECTION 1 OF ORDINANCE NO. 9-2013 was **offered** by Mr. Engle and moved Council 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. Molnar.

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

Mr. Engle moved, Ms. Hanneken seconded, to **adopt ORD. NO. 12-2014**, and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken
Nays: Molnar and Tulley
The motion carried, **ORD. NO. 12-2014, declared adopted.**

Relative to ORD. NO. 12-2014, Councilor Tulley explained she voted as she did because she has not seen any abuse of time that would warrant this expenditure or warrant only 27 employees being required to use the device out of the entire staff of employees including part-time. Ms. Tulley expressed concern as well that the original ordinance was not followed regarding advertising and bidding and that this ordinance was created only because improper procedures.

RES. NO. 14 -2014

A RESOLUTION CONFIRMING THE CONDITIONAL USE ZONING CERTIFICATE APPROVAL ISSUED BY THE PLANNING COMMISSION REGARDING LONGWOOD MANOR 1634 EAST AURORA ROAD 2013 was **offered** by Ms. Darrow and moved Council 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. Engle.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried

Ms. Darrow moved, Mr. Engle seconded, to **adopt RES. NO. 14-2014**, and post same according to law.

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

Nays: None

The motion carried, **RES. NO. 14-2014, declared adopted.**

Relative to RES. NO. 14-2013, Mayor Kuchta explained that the LMHS was given time, pursuant to a previous ordinance, to determine the purpose of use of the Manor House. The conditional use permit allows for a community facility in R-1 zoning, which is what the LMHS had requested.

ORD. NO. 17-2014

AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT OF JESSICA BECKER TO THE POSITION OF FULL-TIME DISPATCHER was **offered** by Ms. Tulley and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Molnar.

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

Nays: None

The motion carried

Ms. Tulley moved, Mr. Molnar seconded, to **adopt ORD. NO. 17-2014**, and post same according to law.

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

Nays: None

The motion carried, **ORD. NO. 17-2014, declared adopted**

RES. NO. 18 -2014

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JERRY EGAN IN ORDER TO PROVIDE FOR CITY PLANNING SERVICES was **offered** by Ms. Hanneken and moved Council 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 Ms. Tulley.

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

Nays: None

The motion carried

Ms. Hanneken moved, Ms. Tulley seconded, to **adopt RES. NO. 18-2014**, and post same according to law.

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

Nays: None

The motion carried, **RES. NO. 18-2014, declared adopted**

Relative to RES. NO. 18-2014, Ms. Hanneken, chair of the finance committee announced that Mr. Egan's appointment is budget neutral. It is not an additional expense because Mr. Egan's expertise will be provided only when Macedonia's current planner is unavailable.

RES. NO. 19 -2014

A RESOLUTION APPOINTING BOB HOPKINS TO THE PLANNING COMMISSION IN ORDER TO FILL A RECENT VACANCY was **offered** by Mr. Molnar and moved Council waive the requirement

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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 Ms. Tulley.

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

Nays: None

The motion carried

Mr. Molnar moved, Ms. Tulley seconded, to **adopt RES. NO. 19-2014**, and post same according to law.

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

Nays: None

The motion carried, **RES. NO. 19-2014, declared adopted**

Relative to RES. NO. 19-2014, Mayor Kuchta explained that Mr. Hopkins fills the remaining term of a member whose position was unexpectedly vacated due to an unfortunate accident. Mayor Kuchta explained that Mr. Hopkins is president of Empire Die Casting, one of Macedonia's largest employers. The Mayor added that Empire Die is undergoing a major transformation which will make it one of the largest companies of its kind in the nation.

ORD. NO. 20-2014

AN ORDINANCE AMENDING SECTION 1167.05 BY ADDING NEW SECTION 1167.05(c)3 ALLOWING THE PLANNING COMMISSION DISCRETION TO APPROVE ADDITIONAL CONDITIONALLY PERMITTED USES IN THE B-4 HIGHWAY BUSINESS DISTRICT was **offered** by Ms. Hanneken and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Molnar.

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

Nays: None

The motion carried

Ms. Hanneken, Mr. Engle seconded, to **adopt ORD. NO. 20-2014**, and post same according to law.

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

Nays: None

The motion carried, **ORD. NO. 20-2014, declared adopted**

Relative to ORD. NO. 20-2014, Mayor Kuchta explained that the only area in Macedonia zoned B-4 is at the juncture of SR8, Highland Road and IR271. B-4 zoning is considered for business highway use, i.e., motels, restaurants and service stations. Several owners of property within the B-4 zoning are seeking relief from the current zoning in order secure occupancy. In an effort to provide every business owner the opportunity for the best use of their property, Council has agreed to give the Planning Commission discretion in determining other uses in this zoning classification.

ORD. NO. 21 -2014

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER A CONTRACT WITH AMERICAN FIREWORKS COMPANY FOR THE SPIRIT OF MACEDONIA COMMUNITY FESTIVAL was

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offered by Mr. Molnar and moved Council 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 Ms. Tulley.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried

Mr. Molnar, Ms. Tulley seconded, to **adopt ORD. NO. 21-2014**, and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried, **ORD. NO. 21-2014, declared adopted**

ORD. NO. 22 -2014

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT WITH PREMIUM SHOWS OF AMERICA IN ORDER TO PROVIDE RIDES AND CONCESSIONS AT THE CITY'S SPIRIT OF MACEDONIA COMMUNITY FESTIVAL was **offered** by Mr. Molnar and moved Council 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 Ms. Tulley.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried

Mr. Molnar, Ms. Tulley seconded, to **adopt ORD. NO. 22-2014**, and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried, **ORD. NO. 22-2014, declared adopted**

Relative to ORD. NOS 21 & 22-2013, Councilor Molnar stated he for one has been an advocate of reinstating Macedonia's annual community festival. Funds for the June firework display that will take place the Spirit of Macedonia Community Festival have been allocated he added.

Recreation Director Gmerek added that Premium Shows of America will provide 18-20 large rides, 6-10 small rides, games of chance and food concessions. Macedonia has used Premium in past festival. Premium is locally based company with one of the better reputations.

MOTIONS/ OTHER LEGISLATIVE ACTION Mr. Molnar moved, Mr. Engle seconded to rescind Ordinance No. 5-2013, relative to the additional, annual fee of \$50 imposed on all nonresident memberships at the Macedonia Family Recreation Center effective February 14, 2014.

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Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried

CORRESPONDENCE: None

MAYOR'S REPORT:

“Somehow, someway, something that seems fair and equitable seems to have started a ruckus. To not add fuel to the fire let me just say that as Mayor of Macedonia, I was approached with a monetary amount of about \$60,000 for our City out of the one million dollars due to Northfield for hosting the Rockcino. The State came to me. I did not ask for it. However, after hearing about the chance to get this money, it seemed as though this would be a way to offset some of the cost of moving our I-271 Freeway ramp. One of the factors that lead to the success of that venture being done was the concerns about bus traffic to the Rockcino. Perhaps you have noticed that we seem to be getting more bus traffic all the time. Last Saturday I saw two buses next to each other under the I-271 bridge.

Macedonia did not complain or ask the State or our neighbors for anything. We just aren't like that.

For instance;

We have never asked for "toll money" for hosting schools and school functions. although we constantly incur cost associated with school operation related to the safety of the children not only from our communities, but also our neighbors. We are only too happy to oblige.

Now that the subject of Rocksino money has been brought to my attention, I will still pursue the funds. During my testimony in Columbus, I brought forth a lot of reasons why would should get the money. For instance....if you enter the Rocksino into your GPS, it will more than likely take you through Macedonia. Many of the House Members at the Committee hearing commented to me that it made sense for us to get something.

But is it worth losing the relationship we have with our neighbors?

I think that a good way to resolve this would be for the State to contribute \$1,171,000 to this area, and by doing that, all three communities would get subsidized the amounts that seems to be causing the problems between them.

I dislike the discord this subject has caused among communities that we have had such good relationships with. Will that now be jeopardized? Over the past ten years we have only worked to foster those relationships with cooperative efforts. A good example of that was in 2005 when Northfield stood by our side in our attempt to regionalize Fire Departments. I look forward to continue to have good relationships with our neighbors. It's in the hands of the State Legislators now.

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On February third, Congressman Dave Joyce announced that he has nominated 29 local students in the 14th Congressional District, to the United States service academies. Among those listed and going to the U.S. Naval Academy is Matthew Winkler from Macedonia. Congratulations and good luck Matthew. We are proud of you!

We will be working with Channel Five on a program they have called: "Keeping you safe where you live". Macedonia has been chosen as one of five communities in Summit County to formulate a program. I will be working with Chief Golden and Detective Turley to follow up and trying to have the program ready by March. If your Homeowners Association or your block would like to participate, please call my office.

We are presently working with Council to do our 2014 budget which has to be completed and voted on by the end of March. It is not an easy task. Just a couple of reasons why it is so tough are that the City is facing a \$1.3 million dollar loss of revenue because we lowered our City income tax and we have not raised our real estate tax in years. For example: a \$100,000 house pays the City \$157.44 (annually!) in real estate taxes. Those are some huge hurdles to overcome in a City that keeps growing by leaps and bounds. And as it grows, it needs more services.

That's the financial news on the local level...on the State Level, House Bill 5 has passed the House of Representatives by a 56 to 39 vote and will now move to the Senate. This is not good news. This bill will force the Cities to allow the State to dictate some City Income Tax procedures. City Income Tax is our main source of revenue. All of the Mayor's and their Associations and The Ohio Municipal League are fighting this bill's passage. As it worked its way through the House we were able to gain ground on this bill's original devastating effect on us. We have accomplished some concessions. We will continue to fight the fight as it goes through the Senate. The end result must be a bill that will protect our businesses to encourage economic development, and also our right to home rule and main source of revenue. I need to thank our State Senator Frank LaRose for helping us and being our advocate."

COMMITTEE REPORTS

Finance Committee Councilor Hanneken reported that the 2014 budget is currently under construction. The administration and Council are working closely to meet common fiscal objectives. Ms. Hanneken stated during its February 12th finance meeting, Council reviewed the whole of the city, revenue and expenditure profiles and department budgets of police, fire, service, building and recreation. On February 26th Council will advance decision making relative to these various departments as well as to review the budgets of support departments i.e., the legal department, the office of council and other departments Ms. Hanneken described as support to the mainline departments. Ms. Hanneken announced there is town hall finance briefing meeting scheduled for Thursday, March 6 at 6:30pm. The purpose of the town hall event is to give residents the opportunity to learn what has been proposed as well as gather input from the residents. Council's objective Ms. Hanneken stated is to adopt the 2014 budget by the March 31st statutory deadline.

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Planning Commission Councilor Darrow reported planning met on February 10th at which time a new wall sign for American Self Protection at 7792 Capital Blvd #4 was reviewed. The next meeting of the Commission is March 17 at 5:30pm. Although no agenda as yet to be established applicants have until February 28 to make submittals Ms. Darrow stated.

Parks & Recreation Commission Councilor Tulley reported that P&RC was unable to meet as planned on February 5th due to inclement weather. The meeting has yet to be rescheduled

DEPARTMENT REPORTS

Service Department Director DeGaetano reported that road salt continues to be the story of the season. The issue of sporadic, partial or no deliveries has been a statewide problem experienced by every community under the ODOT contract. Last week Mr. DeGaetano stated Macedonia was due 100 tons of salt, only 69 were delivered. Another order was to be 200 and only 69 arrived. Mr. DeGaetano explained that Macedonia has not had to borrow salt in light of the salt shortage however because sensible salt practices are being followed. This means only the mains, hills and intersections are being salted. ODOT is trying to accommodate every member community. The problem has been Morton Salt; the low bidder has been unable to keep up the demand of this season. Mr. DeGaetano is holding ODOT/Morton Salt to the contract, which will be he explained securing all the salt Macedonia is due during this contract period at the originally quoted price of \$27.50 per ton. Regarding snow removal in general, Mr. DeGaetano explained that every truck is equipped with gps chips. This means the whereabouts of every vehicle in the fleet, the duration of every trip, the time of day and the speed are documented. Macedonia has 155 lanes miles Mr. DeGaetano stated. This month crews logged 5,000 lanes miles he added. Mr. DeGaetano reported that crews continue to cold patch as the weather permits; that Macedonia received \$8,069 from a ReWorks grant (SASWMA) which has been used for costs relating to the recycling center at the Recreation Center. The ReWorks grant also covered costs relating to the senior citizen subsidy refuse collection program, the free mulch program, one seasonal employee during the leaf collection program and seventy \$10 gift cards from Chick fil A, Menche's and Dunk'in Donuts which will be used for distribution to residents who make an effort to recycle.

Building Commissioner Mr. Hlad thanked Council for the appointment of Jerry Egan as well as approving Planning's discretion relative to B-4 zoning conditional use permits. Mr. Hlad previously provided Council an extensive building department 2013 year-end report. Some highlights of the 2013 report: 28 new business; 49 new residential homes; 1305 residential building inspections and 5,042 engineering and inspection hours.

Engineer Ms. Jackie Hale, engineer for the GPD Group reported the firm has received from ODOT the preliminary scope of work relative to the SR82, phase 1 resurfacing project (western corporate line to IR271 overpass). The actual resurfacing is anticipated in spring 2015. Stage three plans for the SR 82 phase 3 widening project (Crow Drive to eastern corporate line) will be submitted to ODOT in March of this year. The contract agreement relative to consultant for right-of-way acquisition for this project will be forthcoming in the next several weeks she added. The construction/relocation of the ramp in conjunction with the IR271 deck widening project begins June 2014 with completion anticipated in October 2016 she added.

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Mayor Kuchta interjected that the IR271 widening project is a huge undertaking and without it the relocation of the ramp may not have been made possible. The deck widening will impact two bridges, the overpass at SR82 and the overpass at Ledge Road. Additionally SR82 will be widened to 6 lanes in the area of the IR271 overpass the Mayor added.

Recreation Department Ms. Gmerek reported that the Recreation Center is hosting a six-week cheer leading clinic. The Nordonia High school varsity cheerleader team will be leading the classes for girl's kindergarten through grade six. The classes will be held on Saturdays beginning February 22nd. Ms. Gmerek announced that registration for the spring youth soccer program has opened, that there will be free fishing clinic at the Recreation Center on Saturday, February 15 for young children during the hours of 1-3pm. In addition to the free fishing lessons that day, the will free fishing poles and snacks for the participants. Though the clinic is free registration is required Ms. Gmerek stated Funding for the clinic has been made possible through an ODNR grant she added.

Councilor Tulley asked Ms. Gmerek if she participated in the Polar Plunge fundraiser held at the Recreation to which Ms. Gmerek answered she did not take a plunge. Ms. Gmerek mentioned \$600.00 was raised for the Emergency Assistance Center. Expectations are Ms. Gmerek the fundraiser will grow in participation next year.

Finance Department Mr. Svab elaborated on the first round of the 2014 budget by reporting that there will be significant shortfall in the General Fund of about \$600,000 this year. Deficit spending is anticipated over the next several years due to loss of income tax revenue he added. R.I.T.A estimates Macedonia will realize a loss \$1.3M in income tax revenue as a result of the income tax rate dropping to 2% from 2.25%. The reduction in local government funds and the elimination of the inheritance tax means an additional loss of \$150,000 he added. In anticipation in the loss of revenue General Fund carryover balances have increased to \$3.2M from a little over \$1M in 2009. The reserves help he said but the spending gap of \$600,000 will be erased quickly this loss does not account for the capital transfers that normally occur. Over the last year \$855,000 has been spent roads, new vehicles, new equipment and repairs to the city's buildings. Capital spending over the next few years is going to be "skinnier" Mr. Svab stated. Council will have to determine what level of spending will continue regarding capital expenditures given revenue projection this year and the next couple of years. Deficit relative to the General Fund will be difficult to avoid unless operations are cut he said. Mr. Svab stated that the intent of the proposed plan is to continue a responsible carryover balance. For January 2014 Mr. Svab reported that income tax revenue was down by \$103,321.00 or 14% from last year at this time. The decrease in revenue however may more of a timing issue (posting) than trend he added Regarding Macedonia's residential property tax rate Mr. Svab stated that compared to other Summit County communities, it is lower than most and the reason in his opinion residents should not complain.

Fire Department Lt. Chip Davis, in Chief Black's absence reported that the fire department has written two different federal safer grants for the purpose of replacing its aerial ladder engine. Macedonia's 22-year old aerial was purchased in 1992 at a cost of \$560,000 Lt. Davis stated. The exterior of the 1992 continues to look beautiful because it is washed and maintained but the steel frame is deteriorated due to rust and age. The Lt. Davis anticipates total failure of the frame in 3-4 years. The current price of aerials is over \$1M Lt. Davis added. Lt. Davis mentioned that he spec designed the 1992

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aerial. The lieutenant spec designed every vehicle in the fire department fleet except the antique fire truck. Lt. Davis mentioned that he is a member of the national board of international fire chiefs who design safety standards for fire apparatus. Lt. Davis has applied his knowledge base to every fire vehicle Macedonia has purchased. The lieutenant explained that the two grants were written differently with different goals in mind. One grant was written in the eventuality that the purchase and use would be solely by Macedonia fire department, the other in the event the purchase and use would be by all the departments in the Nordonia Hills area. Lt. Davis explained that Macedonia's expense will be determined by which version of the grant is approved. The hope he added is that Macedonia's share will be in the \$80-\$100,000 range.

Police Department Chief Golden reported that numerous Nixle alerts were issued this week due to the severe weather conditions. The system is a free easy, user friendly alert program the chief encouraged residents with smartphones to use. The chief asked residents to avoid parking in the street during heavy snow events to allow service crew access to clear the roads.

Law Department Mr. Hanculak welcomed Councilor Tulley back to city council. Ms. Tulley brings experience and professionalism to the elected position he stated. Ms. Tulley's reputation he continued is untouchable. Mr. Hanculak congratulated Ms. Hanneken on her election to office. Mr. Hanculak looks forward to working with both he added.

Unfinished business None.

New business Councilor Hanneken thanked Mr. DeGaetano for expediting an issue related to a senior resident who could not get out of his driveway in order to come to the City Center to enroll in the senior citizen snow removal program.

Regarding another matter, Councilor Tulley reported that NOPEC (Northeast Ohio Energy Council), the consortium/aggregator responsible for keeping the cost gas and electric down by negotiating rates on behalf of multiple communities has advised that during the months of March and April residents will be receiving opt-out cards their gas bills. Ms. Tulley mentioned that the opportunity for opt-out of either the electric or gas programs are rotating schedule. This cycle it is gas. Information that has been supplied by NOPEC will be uploaded to Macedonia's website for residents who may have additional questions about the program or the new gas supplier.

There being no further business, the meeting adjourned at 830pm.