

Record of Proceedings
Regular Council Meeting
February 27, 2014

Presiding Officer, Mayor Donald Kuchta called the February 27th regular meeting of Macedonia City Council to order at 7:32pm.

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

Absent: Council Clerk Josephine Arceci

PLEDGE OF ALLEGIANCE was led by Councilor Engle

INVOCATION was led by Councilor Darrow

MINUTES Ms. Tulley moved, Mr. Molnar seconded to approve the minutes of February 13, 2014 as submitted by the clerk of council.

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

FINANCIAL REPORT Ms. Hanneken moved, Ms. Darrow seconded acknowledging receipt of Financial Report dated January 31, 2014 as submitted by the director of finance

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

PUBLIC COMMENTS

Summit County Councilor at-large Bill Roemer was present he stated to remind Macedonia residents he is available to them at any time and if anyone has questions of him he is available after tonight's meeting.

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

ORD. NO. 23 -2014

AN ORDINANCE RATIFYING THE REPEAL OF ORDINANCE NO. 5-2013 REGARDING THE NON-RESIDENT USER FEE FOR THE MACEDONIA FAMILY RECREATION CENTER 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. 23-2014**, and post same according to law.

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Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried, **ORD. NO. 23-2014, declared adopted**

Relative to ORD. NO. 23-2014, Councilor Molnar explained the \$50 fee was repealed because of the loss revenue the resulted following the imposition of the fee on the non-residents members of Recreation Center.

ORD. NO. 24-2014

AN ORDINANCE AUTHORIZING THE REIMBURSEMENT OF BUILDING PERMIT FEES REGARDING 9805 FIRESTONE LANE FOR A PROJECT UNDERTAKEN BY THE MAKE*A*WISH FOUNDATION 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 all three readings**. Second by Mr. Molnar.

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

Ms. Darrow, Mr. Engle seconded, to **adopt ORD. NO. 24-2014**, and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried, **ORD. NO. 24-2014, declared adopted**

Relative to ORD. NO. 24-2014, Mayor Kuchta explained that the Make*A*Wish Foundation installed an elevator in the home of a physically handicapped young person. Macedonia was only too happy to waive the construction permit fees for something as good as this Mayor Kuchta stated. The story was reported on the local news Mayor Kuchta added.

ORD. NO. 25-2014

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER A CONTRACT WITH BOWMAN APPRAISAL SERVICES REGARDING THE PHASE 3 WIDENING OF SR82 PROJECT SUM-SR82-4.56, P.I.D. NO. 81656 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

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Ms. Tulley, Mr. Molnar seconded, to **adopt ORD. NO. 25-2014**, and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried, **ORD. NO. 25-2014, declared adopted**

Relative to ORD.NO. 25-2014, the Mayor explained that several appraisers are required during public projects. In essence one appraiser oversees the other to ensure appraisals are equitable and that owners are given what is considered fair market value for their properties. The Mayor mentioned that there are two appraisers for the SR82/ramp relocation project and two appraisers for phase 3 eastbound widening of SR82.

ORD. NO. 26-2014

AN ORDINANCE APPROVING THE 2014 ANNUAL APPROPRIATIONS was offered by Ms. Hanneken for its **first reading by title only**. Second not required.

Relative to ORD. NO. 26-2014, Mayor Kuchta interjected that the 2014 budget has to be approved by statutory deadline of March 31st.

MOTIONS OR OTHER LEGISLATIVE ACTIONS

- Mr. Engle moved, Ms. Darrow seconded to **reconsider vetoed 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**

Roll call: Ayes: Darrow, Engle and Hanneken
Nays: Tulley and Molnar
The motion failed.*

* Council President Engle questioned Attorney Hanculak why four votes are being required to carry the motion to reconsider when two-thirds (2/3) of the members of Council (the fraction pursuant to Charter) is three (3) to which Mr. Hanculak explained that under Robert's Rules of Order the number of votes required is 4. Mr. Hanculak continued that since Council follows Robert's Rules of Order (CO 121.04), Robert's Rules supersede as there is no rule adopted by Council to state otherwise. The concept of rounding down does not exist in Robert's Rules. Three (3) is less than the two-thirds (2/3) majority vote of council mandated by Charter. Therefore the quotient of 3.3 (2/3 of 5) becomes four (4). Case law at of the United States Supreme Court and Ohio Supreme Court supports this issue Mr. Hanculak added.

Council President Engle asked Mr. Hanculak to provide Mr. Engle the case law.

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- Ms. Hanneken moved, Ms. Darrow seconded, to endorse the Longwood Manor Historical Society's submission of the National Registrar Nomination Form to the Ohio Preservation Office for the purpose that endorsement by the City of Macedonia as the owner of the Manor House will assist the Longwood Manor Historical Society in its fund raising efforts and other efforts towards the restoration of the Manor House.

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

CORRESPONDENCE: None

MAYOR'S REPORT:

"I was in Medina this past Monday for Governor Kasich's 'State of the State report. He was very excited about the great financial condition of the State. Ohio has \$1.5 billion in its surplus fund. That's the good news. The tough part for us as a City is....that a good portion of that excess may have come at the expense of the towns like ours. We are facing reductions of the municipal funding we have always received (that was our share of the State sales tax), and the Estate Tax has been completely removed. This is not just about taking the money away from us that was extra. It is about removing funding we have relied on for covering operation cost, thus creating a need to find a way for municipalities to replace that revenue. In most cases Cities only have two choices...win the lottery or raise taxes.

The burden of keeping solvent is on us alone without the help of the State as it was in the past.

As far as encouraging economic development, and being innovative in the approach the past state governments had, we have improved by leaps and bounds in the past couple of years. We have more jobs and less unemployment than has been the norm preceding Governor Kasich. It is the way governments have to be today. It really is getting to be important to local and state governments to be efficient and take steps to remain solvent. Too bad that does work on the federal level.

Jim DeGaetano, our service director and I were at a meeting of the Tinkers Creek Watershed Partners on Tuesday and Jim is already using information we learned there toward getting grants. The Tinker's Creek Watershed Partnership started with an alliance between them and the Cuyahoga Board of Health in 2005. The main thrust then was water pollution. They have now evolved to being an advocate for controlling both water quality and quantity in our area. That could provide another way to address our storm-water problems. Our efforts to search for altering means of funding projects that we need, never stops. Another example of how we are constantly trying to achieve funding is the partnership we have with our neighboring Nordonia communities to get a new aerial tower fire truck (hook and ladder). In almost every department, every day, we are vigilantly looking and exploring ways to be efficient with less local tax

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dollars. We don't really have the option to just raise prices to improve our services like a business would.

Please remember to find alternate routes to reach your destinations. There will be a lot of orange barrels on and around Route 82. Beside the new ramp that could start as early as July 2014, the - 271 corridor will be widened to 6 lanes and both of the bridges in Macedonia will be replaced. That would be the bridge over Route 82 and the bridge over Ledge Road. Start looking as soon as possible for alternate routes to avoid lane closure delays. Just yesterday there was an accident on I-271 in Oakwood and traffic was a mess backing up past Macedonia.

Your best friend during all of this will be our Police Department's Nixle program. This program will continue to warn you of potential delays by texting a message to your phone. It is easy to get it on your phone (if your phone has texting capabilities) so you will be on the notification list, just text our zip (44056) to 888777. That is all there is to it. You really do need to have this on your phone. Also, if you have a smart phone you need to have the "Macedonia App" on that phone. It is a great way to communicate with your city government for everything from chuck holds to building questions or to identify violations you want to report.

Mayor's Court revenue for January was \$28,410.00."

COMMITTEE REPORTS

Finance Committee Councilor Hanneken reported that the Council met on February 12 & 26 for the purpose of discussing the 2014 annual appropriation. A town hall briefing for Macedonia residents has been scheduled for Thursday, March 6 at 6:30pm. The briefing is intended to provide an explanation of the proposed budget, such as what will be funded and what can no longer be funded. Council is holding another finance meeting on Monday, March 10 at 7pm to continue its review process. The final budget will be approved and adopted by March 31. Ms. Hanneken feels confident an excellent budget has been prepared.

Planning Commission Councilor Darrow announced that Planning's next meeting is Monday, March 17 at 5:30pm.

Mayor Kuchta interjected that Planning's meeting on the 17th should be interesting insofar as two different facilities are on the agenda each of which provide hospice care and other medical services such as dialysis. The Mayor added that at this point neither developer has purchased the property. This is not unusual Mayor Kuchta explained because developers often make presentations just get a sense of what is required. There would be a total of 180 beds if both facilities are developed Mayor Kuchta added

JEDD Councilor Darrow announced that there will be a meeting on Wednesday, March 19 @ 6:30pm

DEPARTMENT REPORTS

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Service Department Director DeGaetano reported that he rehired Stewart Landscaping to finish the winter season relative to the senior snow removal program. Stewart's will most likely be hired next season because of better quality of service compared to the other vendor Mr. DeGaetano stated. He suggested residents who may have experienced damage to their yards by the former snow removal provider call the service department. If restoration is required service crew will perform the necessary work during the spring months. Regarding the forthcoming week-end, Mr. DeGaetano mentioned that another winter storm is predicted. He advised senior residents to do their shopping, run their errands so that they do not have to be out in the bad weather. Keeping up with cold patching has been a challenge Mr. DeGaetano stated due to the extreme temperatures. Crews follow the street list during patching unless the service department receives a call about a specific location.

Building Commissioner Mr. Hlad thanked Council for allowing the fee to be waived for the Make*A*Wish Foundation and for approving Bowman Appraisal Services. Mr. Hlad reported that he provided Council with a report relative to capital projects that have been done since he was appointed building commissioner in 2008. The report which identifies \$3 million in road projects will be uploaded to Macedonia website. The report will include how much funding was provided by outside sources, i.e., federal or state dollars and how much was attributed to Macedonia's contribution. Mr. Hlad reiterated that two separate nursing/hospice facilities will be on Planning's March 17 agenda. The assisted living facility near Girl Scout Way and the rental apartment complex also in that area are progressing and are on schedule. The foundation of GFS (Gordon Food Services) food store on Route 82 east of Crow has been poured Mr. Hlad added.

Engineer Nick Fini reported that the three major road projects: the grind and pave of Route 82 from the west corporate line east to the I-271 overpass, the widening of I-271 and relocation of northbound ramp and the third phase widening of Route 82 from Crow to the easterly corporate line are all on schedule. The widening of I-271 is expected to take 2-years and the third phase widening one he added.

Mayor Kuchta asked Mr. Fini how much of the third phase widening will include storm sewers to which he answered from Alexandria Square to the Shepard Road intersection. Mayor Kuchta added that the homeowners around the intersection of Shepard Road will be so pleased when the project is complete to which Mr. Fini mentioned Mr. DeGaetano provided some temporary measures which seem to be working.

Councilor Hanneken interjected that she has met with the Shepard Road residents who are all very pleased with what Mr. DeGaetano has done to solve their issues until the major work is preformed.

Recreation Department Ms. Gmerek reported that the Recreation Center is offering two new programs. One is a line dancing workshop that will be held on March 8 and April 5 from 4-5:30pm. Partners are not required for this workshop, single participants are welcomed she stated. The workshop is also not limited to country western music but will include Latin, salsa and oldies. The other workshop is a boater safety course that is required by the Ohio Department of Natural for persons born after January 1, 1982 who will be operating a boat that is over 10hp. The 4-week course begins March 24 and will be held from 6-8:30pm. Attendance of all 4 classes is mandatory to receive certification.

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Finance Department Mr. Svab reported that there will be another fishing event at the Recreation Center on March 8 for children 10 years and younger. Just like the event held on February 15th participants will be provided a fishing pole, be given casting instructions and free food and beverages. Mr. Svab is hoping participation increases from the 25 or so who attended the last event. Regarding the WM&E Fund, (Water; Maintenance & Emergency Fund) Mr. Svab stated that annual residential rate of \$20.80 as not increased since the fund was created in 1967. Mr. Svab would like to see the annual fee applied to the residents' tax duplicate to eliminate the cost of mailing the bills. Mr. Svab mentioned that this year's water bills erroneously included the senior residents who otherwise qualify for senior snow removal program and the rubbish removal subsidy. A second mailing was issued to qualifying seniorsnts advising them to ignore the bill if they hadn't paid it and for those that did, their payment will be refunded. Regarding the budget Mr. Svab mentioned that it has been widely broadcast that there is a huge hole in the General Fund because of the loss of the \$1.3M from the reduction in the income tax rate and the reduction in state revenue and the elimination of estate tax. This loss will greatly impact capital projects Mr. Svab stated. He cited for example that the original street/road project proposal of \$1.4M for 2014 was reduced to \$700,000 and now it's down to \$100,000. Mr. Svab mentioned that Macedonia is having some problems with BORMA paying out run-out claims from 2013. The law department has been working the HR administrator Betsy McCafferty over this matter.

Fire Department Chief Black reported there's been a large mulch fire burning over the last three days at Greenline Landscaping on S. Freeway Drive. The compost pile is 50-60 feet high and 400 x 400. While fire is a natural occurrence of composting the extremely cold has caused recovery equipment to freeze he added. The fire continues to be monitored and is no threat to residents due to its confined location Chief Black added.

Police Department Chief Golden reported that traffic accidents have increased due to the severe weather and lower than usual usage of road salt due to its short supply. Chief Golden advised motorists to exercise caution and patience and to avoid parking on the street during the heavy snowfalls. Keeping the streets clear helps drivers maneuver streets safety and service crews fill access to clean the streets.

Mayor Kuchta commended Macedonia dispatcher Karen for befriending and providing attendance to a motorist who was stranded in Peninsula.

Law Department Mr. Hanculak had no report.

Unfinished business None.

New business None.

There being no further business before council, the meeting adjourned at 8:18pm.