

Record of Proceedings

Regular Council Meeting

May 8, 2014

Presiding Officer, Mayor Donald Kuchta called the May 8 regular meeting of Macedonia City Council to order at 7:30m.

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

**Absent:**

**PLEDGE OF ALLEGIANCE** was led by Councilor Engle

**INVOCATION** was led by Councilor Tulley

**MINUTES** Ms. Tulley moved, Mr. Molnar seconded to approve the minutes of the regular meeting of April 24, 2014 as submitted by the clerk of council.

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

**PUBLIC COMMENTS**

Marty Bergman, Airlane Drive resident complained about the condition of Airlane and the lack of Council commitment to repair Airlane and other Macedonia roads. Roads from the 1960's have been left to deteriorate to a point of needing complete restoration Mr. Bergman stated. This last winter destroyed the roads even more he added. Mr. Bergman asked Council to please save the roads before this summer. Many of Macedonia roads are difficult to navigate, they present a safety hazard and they are deplorable looking. Macedonia is beginning to look like an undesirable community in which to live. Mr. Bergman provided photos of Airlane to substantiate his comments about his street.

Dorothy Pearlman another Airlane Drive resident also complained that in the 31-years she has lived in Macedonia her street has never been resurfaced. Ms. Pearlman's neighbor who was unable to attend and who is an original owner confirms that Airlane has never been resurfaced. Ms. Pearlman mentioned that about 10- years ago when Cessna was resurfaced she and her neighbors assumed that Airlane would be resurfaced as well but that did not happen. Ms. Pearlman's out-of-town guests are appalled when they visit at the condition of Airlane and they tell her so. Her guests tell her Airlane is a reflection on the community in which she lives. Ms. Pearlman stated the road is not just visually unattractive, negatively impacting the aesthetic of the neighborhood it is a hazard to drive. Safety is the most important issue she stated. At this point far more than patching is necessary. Ms. Pearlman reminded Councilor Darrow that she said she would help Airlane Drive residents.

Councilor Darrow assured Ms. Pearlman that something will be done. Ms. Darrow mentioned she has asked Service Director DeGaetano to have his crews' patch as much as can be done.

Randy Fitzsimmon also an Airlane Drive resident reiterated that Airlane is not only embarrassing, it in shambles. Its condition is a serious safety issue. The road has no curbs. There are no sidewalks. The sides of the road are totally deteriorated and sixty percent of the street has no edge line. Residents can't push a

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baby stroller down the street because of the sides are so badly eroded. Residents even have difficulty walking their dogs. Airlane needs to be rehabilitated now. "If someone gets hurt, who's responsible, I think we know." Mr. Fitzsimmons stated.

Bill Jenkins of Bonnie Lane, a 45-year resident complained about the seriously eroded condition of all the roads in his subdivision. In all the years he has been a resident this is the first time he has come before Council he said. The road in front of Mr. Jenkins' home which is at corners of Bonnie and Blueberry is in horrible condition. Upon showing a bucket of broken asphalt he collected he stated, "Look at our neighborhoods, where are our roads? I'm here tonight because Macedonia's roads are seriously deteriorating. Why are the roads not being repaired? Road safety should be the concern of every elected official." Mr. Jenkins mentioned that a year and half ago while going to the mail box his wife tripped on broken asphalt and injured her head. As elected officials Council has an obligation to protect its citizenry he said. Police and fire services are the first providers of protection but the condition of roads is third he added. Safety is the most important concern but the appearance and condition of neighborhood streets should also be of a concern because of the effect appearance has on property values. Appearance has an effect on home he added. Macedonia is a middle to upper middle class community and the expectation is that its roads will be maintained. Hearing that it will take another 1 or 2 years before Bonnie and Blueberry are repaired is extremely disappointing Mr. Jenkins said. And knowing that the Council last year voted not to renew the income tax levy is even more disappointing he added. As a citizen he would have liked the opportunity to vote on whether he wanted the tax to continue. Citizenry should be given the opportunity to voice their vote. He for one would have worked toward that end he said. As a former school board member he understands how difficult certain decisions are to make. Mr. Jenkins cited the example of placing a renewable operating levy on the ballot when school building roofs were leaking. There was a plan; there was foresight for renewable operating revenue which seems to be missing in Macedonia he said. City officials need to begin planning, determining what needs to be done in order to keep Macedonia a respectable middle to upper middle class community.

Mayor Kuchta interjected that Council chose not to give Macedonia residents the opportunity to renew the income tax levy.

Councilor Tulley told Mr. Jenkins his cry is heard. Ms. Tulley runs the "B" streets as she called them, in the subdivision where Mr. Jenkins lives and all the roads look as if they've been hit bombs and nothing but craters have been left.. Residents have to bob and weave when driving, walking or running she added. Ms. Tulley mentioned that road report created by Building Commissioner Hlad indicates Airlane was constructed in 1942 and the "B" streets (Roseland Country Estates) were developed in the 1950's.

Councilor Hanneken informed Mr. Jenkins that her first request as chair of the Streets and Highways committee was a complete inventory and rating of Macedonia's roads, i.e., repair and/or maintenance requirements. Macedonia has had a long term problem that has been created over the last decade. Roads have not been repaired regularly or they have not been repaired in the proper way. Some roads, such as Airlane are at the point of needing full depth repair she added. Ms. Hanneken mentioned that Streets & Highway meeting that has been scheduled for May 14 at 7pm for the purpose of reviewing the list and to develop a priority of repairs based on availability of funds.

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Mayor Kuchta interjected that in the last ten years at least one road has been repaired each year. Payments for these road repairs have been in cash. Prior to the last ten years bonds were taken out to pay for road. The bond cycle only put Macedonia into debt. Mayor Kuchta knows Macedonia needs a long range plan. For the last ten years GPD Engineering has been advising the same. GPD estimates that if Macedonia spent \$1M per year that it will take 20-years to complete restoration and be back to the first street in the beginning of the cycle. Macedonia residents should have to be given the opportunity to vote to renew the levy and he wished they had been he told Mr. Jenkins.

Councilor Molnar interjected that 32 of Macedonia's roads are listed in poor condition on inventory Mr. Hlad provided. Continuing to talk about fixing the roads means nothing when so many roads are in such disrepair. As finance chair Ms. Hanneken allocated just \$8,000 to crack sealing for this year. That is nothing Mr. Molnar stated, it is meaningless and an insult to what needs to be done. The May 14 meeting should be a finance meeting not streets meeting because we as officials already know the problem. Talking about what is already known accomplishes nothing he added.

Councilor Hanneken disagrees with Councilor Molnar. Some of Macedonia's roads are not in as horrible of a condition as has been described. But if they are not crack sealed they will be in the same condition as some of the other roads on the list. The projects as well as financing them however needs to be discussed before any decisions are made she stated.

Councilor Darrow asked what road levy was not renewed to which she was informed it was the additional ¼% income tax that was being talked about. The renewal which was not placed on the ballot included 100% reciprocity to Macedonia residents.

Mayor Kuchta thanked the residents for attending this evening's meeting to express their concerns particularly about the roads.

Regarding another matter, in the opinion of Ledge Road resident Kurt Laubinger if the Route 8 right-in/right-out cut through comes to fruition it should be funded by the owners of property within The Crossing at the Golden Link and not by Macedonia taxpayers. Residential tax dollars should not be used for commercial enterprises. Residential tax dollars should only be used to maintaining and repair of Macedonia's local streets. The Route 8 project should be an assessed project as was the S. Freeway improvement project he stated. Relative to the improvement of the I271 overpass at Ledge Road Mr. Laubinger expressed concern as have his neighbors about the condition Ledge Road will be left in after the project. Mr. Laubinger fears the length of project estimated to take 2 ½ years will leave Ledge Road in the same condition Valley View Road was left after the earth moving project at the site of Faith Fellowship church. Residential roads just aren't designed to take continuous abuse by heavy loaded vehicles he added. Changing topics, Mr. Laubinger asked that consideration be given to adding another detective to the police bureau. Folks move to Macedonia because it is a safe, family-friendly community. To maintain this standard Macedonia's police department needs to increase its detective staff to meet today's demands.

Building Commissioner Hlad informed Mr. Laubinger regarding Ledge Road that prior to the start of the project ODOT will video record the entire site. Upon completion of the project, ODOT and city officials will review the video together to determine where restoration is needed.

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Mayor Kuchta is concerned as well he told Mr. Laubinger. Trying to work cooperatively with the railroad is challenging. They are an entity on to themselves he added. Macedonia is doing all it can to keep local interest and concern in the forefront. Regarding the Route 8 right-in/right out cut through, Mayor Kuchta assured Mr. Laubinger that the only intent at this time is give the project publicity. The hope Mayor Kuchta stated is that the Akron Port Authority will fund the project.

Councilor Darrow asked Mayor Kuchta who removed the huge boulder that fell from the Ledge Road Bridge to which the Mayor answered he did not know. But most likely however railroad personnel as city personnel are not allowed to touching the fencing as its railroad property. The Ledge Road Bridge is junk Mayor Kuchta stated. It needs total restoration but Macedonia's complains have fallen on deaf ears at least for now Mayor Kuchta stated.

**INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

**ORD. NO. 36-2014**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER A PURCHASE CONTRACT WITH INCOM INTREGRATED COMPUTER SYSTEMS INC, IN ORDER TO UPGRADE THE CITY'S EXISTING VIDEO SYSTEM was **offered** by Ms. Darrow for its **third reading** by title only. Second not required.

Ms. Darrow moved, Mr. Engle seconded **to amend ORD. NO. 36-2014, Section 1 to read as follows:** "...in the maximum amount of ~~\$8070~~ **not to exceed \$8900** and for the terms and conditions as set forth in that Company's proposal..."

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

Ms. Darrow moved, Mr. Molnar seconded, to **adopt ORD. NO. 36-2014, as amended** and post same according to law.

Roll call: Ayes: Darrow, Hanneken  
Nays: Engle, Molnar and Tulley  
**The motion failed, ORD. NO. 36-2014, as amended did not pass.**

Relative to ORD. NO. 36-2014, Councilor Tulley described every tax dollar as previous and for that reason expending \$8900 on video recording equipment when road repairs are so necessary doesn't seem to be a wise expenditure at this time.

**ORD. NO. 38-2014 [Held at 2<sup>nd</sup> reading...First rdg: 4/10/14; Second rdg: 4/24/14]**

AN ORDINANCE AMENDING ORDINANCE NO. 26-2014 IN ORDER TO APPROPRIATE FUNDS FOR THE AIRLANE DRIVE IMPROVEMENT PROJECT

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Relative to ORD. NO. 38-2014 and subsequent ORD. NO. 39-2014, Councilor Molnar had asked that action be taken this evening to which Ms. Hanneken responded that further discussion is needed and will take place at the May 14<sup>th</sup> Streets & Highway meeting. Ms. Hanneken doesn't agree with the urgency given city engineers have indicated road projects initiated in July will be completed this year.

Council President Engle concurred with Ms. Hanneken. Mr. Engle is sympathetic to the safety concerns raised this evening by Mr. Jenkins and the residents of Airplane Drive but he feels a better understanding of Macedonia financial position is needed before any determinations are made.

Councilor Molnar reiterated acting upon the roads earlier than later to insure that the programs get done. "What further is there to talk about? Residents are here tonight with photos and testimony. A tire sticking into a hole in the road up to the rim and we're going to wait?" Mr. Molnar questioned. Macedonia has a \$2.5M carryover he said. This budget can absorb the cost of these roads he added. The safety issues alone are sickening. He cannot fathom talking about it any further he added. It's sad to tell the residents who have attended this evening that Council is going to continuing talking about it.

Councilor Tulley agrees with Mr. Molnar that Airplane and Westwood need to be done. Ms. Tulley asked the cost estimate for each and was told \$115,000 for Airplane and \$260,000 for Westwood. Performing these projects still provides for a \$2M carryover she stated. Ms. Tulley's willingness to keep Ordinance No. 38-2014 at its second reading was only to insure that Councilors Darrow, Engle and Hanneken did not vote down the measure. Ms Tulley is unsure what May 14<sup>th</sup> meeting will resolve. Council needs to start taking action on a least some of inventory of 185 streets. Airplane and Westwood would be a good start she added. Ms. Tulley stated she finds it odd that depending on the topic certain members of this Council want rules suspended and action taken immediately but at other times, when not in their best interest want to study the issues further. These roads do not need further study she stated. It is time to take actions. Ms. Tulley is surprised she told Mr. Jenkins and the other residents that they have not come before Council sooner.

**ORD. NO. 39 -2014 [Held at 2<sup>nd</sup> reading- First rdg: 4/10/14; Second rdg: 4/24/14 ]**

AN ORDINANCE AMENDING ORDINANCE NO. 26-2014 IN ORDER TO APPROPRIATE FUNDS FOR THE WESTWOOD DRIVE IMPROVEMENT PROJECT

**ORD. NO. 45-2014**

AN EMERGENCY ORDINANCE PROVIDING FOR REVIEW OF THE CHARTER BY CHARTER REVIEW COMMISSION, FIXING ITS DUTIES AND ESTABLISHING A PROCEDURE FOR THE REVIEW 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 its second and third readings**. Second by Ms. Darrow.

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

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**\*For lack of the suspension of three reading rule ORD. NO. 45-2014 remained at second reading.**

**RES. NO. 46-2014**

A RESOLUTION AUTHORIZING THE CITY OF MACEDONIA TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SUMMIT SOIL AND WATER CONSERVATION DISTRICT (SWCD) TO ENCOURAGE COOPERATION TOWARDS THE ATTAINMENT OF ENVIRONMENTAL STEWARDSHIP INCLUDING BUT NOT LIMITED TO THE GOALS IN THE COMMUNITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II MUNICIPAL STORM WATER PERMIT, AND TO APPROPRIATE FUNDS TOWARDS THE GENERAL OPERATIONS OF THE SWCD WHICH SUPPORT THIS EFFORT 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 its second and third 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 RES. NO. 46-2014**, and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None  
The motion carried, **RES. NO. 46-2014, declared adopted.**

Relative to RES. NO. 46-2014, Service Director DeGaetano explained that the agreement better described as an annual permit is a requirement of the EPA.

**MOTIONS OR OTHER LEGISLATIVE ACTIONS**

~r. Engle moved, Ms. Darrow seconded, authorizing the Director of Service to advertise for bids for refuse/rubbish collection on behalf of the residents of the City of Macedonia.

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

**CORRESPONDENCE:** ~Expression of appreciation from Kimberly Staples, 9195 Valley View Road relative to Police Officer Chris Holmes for Officer Holmes' providing assistance to Ms. Staples when she inadvertently locked herself out of her car.

~Expression of appreciation from Tom & Judy Cerjak, 685 Tuscan Drive to Chief Golden and police personnel for providing "winter-watch" of their property when the Cerjak's are away.

~Expression of frustration from Dan Dooley, 9394 Westwood Drive relative to the poor condition of Westwood Drive and Council's failure to act upon funding necessary and overdue repairs.

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**MAYOR'S REPORT:**

~Mayor's Court revenue for April was \$38,340.50.

~Councilor Molnar thanked for resurrecting the Spirit of Macedonia Festival on June 5-8

**COMMITTEE REPORTS**

**Streets & Highway Committee** Ms. Hanneken announced a S&H meeting for May 14 at 7pm at which time various road projects will be discussed, which projects will be done this year and which projects will be postponed due to financial limitations. Ms. Hanneken encouraged residents to attend the opened meeting.

**Planning Commission** Councilor Darrow reported that Planning's May 19 agenda includes review of the following proposed items: Storage barn at Dave's Auto Body at 9270 Valley View Road; Signage at 7-Eleven at 316 Highland Road; Concrete patio at Dos Coronas Restaurant at 269 Highland Road; Pavilion (26'x30') for Summit Point at 9633 Valley View Road; Parking for u-haul rental trucks at Macedonia LLC, 8945 S. Freeway Drive; Signage for Jersey Mike's Subs, 8210 Macedonia Commons; Signage for Penske, 1261 Highland Road; Signage relocation for GNC, 8210 Macedonia Commons Blvd; Signage for Ulta, 8210 Macedonia Commons Blvd; Signage for Mattress Firm, northeast corner of Route 8 & Aurora Road; Six parking light poles for Nordonia High School at 8006 S. Bedford Road.

**Parks & Recreation Committee** Councilor Tulley announced that the last committee meeting was canceled. Ms. Tulley expressed condolences to committee member Jennifer Molnar on the death of her aunt. The committee anticipates meeting Tuesday, May 13. Confirmation on relative to time and date will be on the city's website. Ms. Tulley encouraged residents to attend the open meeting.

**DEPARTMENT REPORTS**

**Service Department** Director DeGaetano reported that the mulch that is free to Macedonia residents will not be available until the second week in May. The mulch will be staged at former firehouse just as it has been in previous years he added. Mr. DeGaetano asked residents to support the Nordonia Garden Club who will be sponsoring their annual plant sale on Saturday, May 10 from 9am-3pm. The sale will be held at Macedonia's former firehouse.

Councilor Darrow asked Mr. DeGaetano on behalf of a resident who grinds the branches to make the free mulch to which Mr. DeGaetano answered that the project is outsourced at a cost. There are few companies who provide this service he added. Four companies were contacted this year, including Greenline on S. Freeway Drive and only one, Pro Tree Landscaping responded he stated

Councilor Darrow was told Greenline provided the grinding service to Macedonia at no cost to which Mr. DeGaetano answered that was not true. Greenline charged Macedonia when that company was used. Greenline has since limited grinding to its own chippings. That is one of the reasons Macedonia has had to use Pro Tree for the last several years.

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**Building Commissioner** Mr. Hlad provided the following update relative to commercial updates: Macedonia's Commercial Building department received an ISO rating of 3; Gordon Food Services opening planned for July; retail construction on site of Routes 8 & 82 to begin in next several weeks; permit fees relative the Enclave at Macedonia (rental subdivision) totaled \$179,298.64; engineering and grading permits being issued relative to Vista Springs. Regarding residential business Mr. Hlad reported that to date there has been 14 new home starts, 64 homes under construction, five additions and 14 alterations. Regarding zoning Mr. Hlad stated there has been 114 point of sale inspections and 376 inspectors have registered with the City this year. Mr. Hlad added that the agenda for the May 19 Planning Commission meeting is posted outside Council Chambers.

**Engineer** Mr. Fini had no report.

**Recreation Department** Ms. Gmerek was not present.

**Finance Department** Mr. Svab was not present.

**Fire Department** Chief Black reported that the annual fire hydrant testing and maintenance program has begun. Every hydrant in Macedonia will be inspected, flushed and have it caskets replaced. Signs are posted at various locations throughout Macedonia advising residents of the program he added.

**Police Department** Chief Golden reported that the police department continues to receive numerous complaints about trains and horn and whistle blowing. Chief Golden reminded residents there is virtually nothing Macedonia can do as to why and when this happens because the railroad as a federal entity functions solely under its own jurisdiction. Conductors follow specific rules and guideline as to when and how many times horns and whistles are blown regardless of the Highland Road grade overpass and the Twinsburg Road quiet zone. If there is someone or something on the track, if train cars are uncoupling, if trains are passing, if there is construction near or on the tracks horns and whistles are going to be used. Residents are angry and there is little that can be done locally Chief Golden reiterated. Regarding another issue, Chief Golden mentioned that the 19-year Nordonia Hills high school student who threatened shootings at the high school which the student likened to the Columbine tragedy is in Macedonia's jail on a \$500,000 cash bond. An extensive search of his home and property, including his computer and phone revealed he did not have the means to carry out his threat. Police presence nonetheless has been at the high school as well as at Ledgeview Elementary. Regarding the detective bureau Chief Golden mentioned for the last 30-years there have only been two detectives. The amount of white collar crime and fraud however has increased so dramatically another detective is truly required. For example Chief Golden stated that presently there are two large out-of-state fraud cases, one in Arizona and the other in Florida that have been all consuming. Today there seems to more complicated issues than there were 30-years ago he added.

Mayor Kuchta interjected that it is not uncommon for him to sign three warrants a day.

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

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**Unfinished business** None

**New business** Councilor Hanneken mentioned she contacted Congressman David Joyce's chief of staff regarding the Ledge Road Bridge for the purpose of making the following inquiries of the railroad through Congressman Joyce's office. The first inquiry is does the railroad acknowledge that they have to replace that bridge and if they do, do they have money to do it. The second inquiry is what Macedonia can do to increase the pressure on the railroad to at least acknowledge at least that the bridge has to be replaced if not before the I271 project then after that project. Ms. Hanneken added that she hopes Congressman Joyce can help Macedonia. Ms. Hanneken also added that she appreciates the efforts Mayor Kuchta has made towards this end as well.

There being no further business, the meeting adjourned at 8:35pm.