

Record of Proceedings

Regular Council Meeting

August 28, 2014

1 Presiding Officer, Mayor Donald Kuchta called the August 28 regular meeting of Macedonia City
2 Council to order at 7:42pm.

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

6
7 **Absent:** Councilor Janet Tulley

8
9 **PLEDGE OF ALLEGIANCE** was led by Council President Dave Engle

10
11 **INVOCATION** was led by Terry Hudak, resident.

12
13 **MINUTES** Mr. Molnar moved, Ms. Hanneken seconded, to approve the minutes of the regular meeting
14 of May 22 and special meeting of July 10 as submitted by the clerk.

15
16 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
17 Nays: None
18 The motion carried

19
20 Relative to the minutes of June 12 meeting Ms. Hanneken noticed transcription of ayes votes relative to
21 the adoption Ord. No. 67-2014 was incorrect and at Clerk Arceci request the approval of minutes were
22 postponed until the next regular meeting

23
24 **FINANCIAL REPORT** Ms. Hanneken moved, Ms. Darrow seconded acknowledging receipt of the
25 Financial Reports dated June 30 and July 31, 2014 as submitted by director of finance.

26
27 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
28 Nays: None
29 The motion carried

30 **PUBLIC COMMENTS**

31
32 Barbara Watson, residing at 9273 Valley View Road asked Council to approve the \$8,000 upgrade of video
33 equipment used to record Council's meetings. Ms. Watson watches the meetings she explained and over the
34 last several months many of the meetings have not been fully recorded or have had no visual recording. Ms.
35 Watson feels the recording and broadcast of the meetings is important to residents such as her who cannot
36 attend the meetings. Ms. Watson mention that Ed Morris, former resident and former member of the
37 Planning Commission likes keeping in touch with Macedonia by watching the meetings too. Lastly, Ms.
38 Watson complained to Council that they took away her right to vote by not placing the income tax increase
39 on the November ballot.

40
41 Regarding another topic, Alan Siewert, an urban forester with the Ohio Department of Natural Resources,
42 Division of Forestry apologized for not responding sooner to Tom Rohde, the city arborist who had requested
43 a cost analysis of Macedonia's urban forest. The purpose of the analysis Mr. Siewert explained is to provide
44 a basis for future budgetary planning. Mr. Siewert continued by explaining that the analysis was prepared by
45 inventorying five percent of Macedonia's trees. A written report of the same will follow he stated.
46 Continuing Mr. Siewert stated that Macedonia has about 3100 street trees with an estimated appraised value
47 of \$107,000.00. This estimate would be the cost of replacing all trees he added. In addition to the aesthetic
48 value trees provide Mr. Siewert stated they also provide an ecological value. Tree roots intercept storm
49 water. That is they slow rain water so storm sewers do not back up so readily. Trees sequester carbon and
50 they reduce air conditioning and heating costs. The additional value provided by this ecological impact in
51 dollars is about \$119,000 Mr. Siewert added.

52
53 Mayor Kuchta asked Mr. Siewert to explain the process relative to his review of the trees to which Mr.
54 Siewert responded evaluation includes the species and genesis of the tree, its size, its condition, where it is
55 located and the level of management needed to keep the tree healthy. Mayor Kuchta asked Mr. Siewert if
56 Macedonia has too many Maple trees on tree lawns as their root system seems to cause sidewalks to lift.
57 Mr. Siewert reported that Macedonia tree lawn trees are comprised of the following: White Ash-26%;
58 Hybrid Elms-19% and the remaining percentage are Honey Locust and Cleveland Pear. Mr. Siewert
59 continued by stating the primary reason trees become a problem is lack or improper maintenance. The
60 majority of the trees just need to be crowned-up / limbed up Mr. Siewert stated.

61

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62 Councilor Darrow asked Mr. Siewert about Cleveland Pear trees because this is the species most residents
63 want. Many residents paid for this specie of tree she stated but the City cannot accommodate them to which
64 Mr. Siewert answered that Cleveland Pears are great trees in a two dimension format, that is, on paper. Mr.
65 Siewert said Cleveland Pears are easy to plant, they grew rapidly and they have beautiful summer foliage and
66 beautiful fall color. The problem with Cleveland Pears Mr. Siewert continued is that they have a weak
67 branch structure. These trees are high maintenance and thus expensive to maintain. For example he added,
68 the cost of trimming and pruning Cleveland Pears is three times the cost of a Maple. Mr. Siewert added that
69 Cleveland Pears are a Chinese plant that is highly invasive. In fact the Cleveland Pear has made the invasive
70 species list in Ohio and therefore is no longer recommended he added.

71
72 Councilor Darrow asked Mr. Siewert if it's alright for residents to maintain their own trees to which Mr.
73 Siewert responded that unfortunately the majority of resident do not know or understand how to maintain a
74 tree. Training and pruning trees particularly Cleveland Pears is not well understood he added. Ms. Darrow
75 said residents could personally hire their own arborist to maintenance their tree lawn trees to which Mr.
76 Siewert responded the maintenance responsibility of street trees varies amongst communities. At this point
77 Ms. Darrow added Macedonia is not performing any maintenance Ms. Darrow thanked Mr. Siewert for his
78 report as did Mayor Kuchta.

79
80 Karen Hackenberry, Executor Director of PAWSibilites, the Humane Society of Greater Akron explained
81 that that the Society is the animal cop for Summit County. The Society employs two officers who have
82 police powers to arrest and prosecute in situations where animal cruelty or abuse is suspected. The Society's
83 mission is also to rescue sick and injured strays in need of emergency medical care with adoption into a
84 permanent home as the Society's primary goal. Additionally, the Society helps people find their lost pet and
85 helps people by providing food or other care when needed. Ms. Hackenberry announced the shelter at 7996
86 Darrow Road, Twinsburg Township takes in about 2000 animals each year, 1400 of which get adopted. Ms.
87 Hackenberry thanked the many Macedonia residents who support the shelter, adopt from the shelter and who
88 volunteer their time at the shelter.

89
90 Councilor Hanneken mentioned that she has visited the PAWSibilites location and commended the service
91 and work provided by the society.

92
93 Regarding another matter, Dana Best-Mizsak former Macedonia resident and president of the Bedford
94 Historical Society strongly urged Council to continue supporting the efforts of Longwood Manor Historical
95 Society in saving the Manor House. The Bedford Historical Society is fortunate Ms. Best-Mizsak stated to
96 own three buildings in the city of Bedford that are listed on the National Registry of Historical Buildings.
97 Macedonia is less fortunate in that it does not have many building remaining of an historical nature. The
98 LMHS is a wonderful group of preservationists who are working very hard to restore the Manor House and
99 who deserve support from the City she added.

100
101 Relative to another topic, Summit County Sheriff Steve Barry was present to urge Macedonia voters to
102 support the Summit County 0.25% sales tax increase initiative that will appear on the November ballot. The
103 increase is needed Sheriff Barry explained because staffing of the county jail is at a critically low level. The
104 jail is not overcrowded as has been reported by the media. The jail is equipped to house 671 inmates daily.
105 On a daily bases the inmate population ranges between 630 and 650. Current staffing however is for a
106 population of only 400-500. In areas where there were 4 or 5 deputies there are now only 2 or 3 he said.
107 This is an average of two deputies for every 100-121 inmates. The Summit County jail hit an all time high
108 last year Sheriff Barry stated in that it housed over 30 inmates who were charged with homicide or a charge
109 related to a homicide. The condition at the Summit County jail is not good. There is a critical need. Over
110 the last eight years funds to the sheriff's office have been slashed by \$100,000,000.00. The sheriff 's
111 department never bounced back from the 2011 lay-offs A Department of Justice expert reported staffing is
112 under by at least 50 sworn deputies and about 10-12 civilians and that the equipment throughout the facility is
113 obsolete. The proposed increase is through the sales tax the Sheriff stated because it seemed the more
114 equitable than asking for a property tax increase. The increase represents 25 cents more for every \$100 spent
115 in Summit County. Ninety-two percent of the newly generated tax revenue would be allocated to criminal
116 justice. The arena is no longer in the proposal Sheriff Barry assured. The umbrella of criminal justice
117 Sheriff Barry explained includes an enhanced 911 system that would occur over the next several years
118 because the current system is becoming obsolete. The 800 MHz radio system for many communities must be
119 upgraded

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123 Council President Engle inquired whether the 800 MHz radio system will pertain to Macedonia or are the
124 improvements limited to certain communities to which Sheriff Barry explained conversion or enhancement of
125 the radio systems will pertain to every township, village or city in Summit County. Sheriff Barry did not
126 know however the percentage of allocation relative to each community would but would acquire that
127 information for Council. Sheriff Barry explained that the impetus for upgrading the radio system is so that
128 every community can communicate on the same radio band. Presently, that is not the case. Additionally, the
129 state is requiring regionalization of radio call rooms. Currently there are 17 radio rooms in Summit County.
130 In five years only 5 will be funded and five years after that there will only be 3 radio rooms funded. Summit
131 County's sales tax is currently the lowest in the state Sheriff Barry stated. If the .25% increase is approved
132 the County will move to the second lowest. Sheriff Barry mentioned the .25% increase is the lowest
133 percentage of increase the County could impose given Summit is a chartered county.

134
135 Mayor Kuchta interjected that many communities throughout the county have their own police departments.
136 Many communities however rely solely on the sheriff's department for safety services. The Summit County
137 Mayor's Association for which Mayor Kuchta is a member has discussed the possibly that distribution of
138 revenue may not be equitable. Communities serviced by sheriff department may receive the most funding.

139
140 Sheriff Barry explained that part of the criteria for the distribution of funds will be based on 911 call volume.
141 The elimination of radio rooms mentioned earlier will be based on call volume as well Sheriff Barry stated.
142 Those radio rooms receiving the most call volume will obviously remain he added

143
144 Regarding another topic, Michael Miller, Berkshire Road resident of 28-years and former member of
145 Macedonia City Council stated when he first moved to Macedonia he felt it was an exciting community with
146 promise and he still feels that way. However, lately he feels there has been an erosion of homeowner's rights.
147 There has been flooding in certain areas of Macedonia were the problem has come from City property; there
148 has been arguments about personal property – a barn. There is a question about a lot split questions in which
149 the building and the law departments are called upon. When did Macedonia become a complicated place to
150 live he asked? Mr. Miller feels Macedonia should focus on what life was like in 1986. Let's protect
151 homeowner's rights he said. Mr. Miller recalls when a relationship existed between the homeowner and the
152 city officials. There was a time when there was a response to residents' complaints. Mr. Miller implored
153 Macedonia's elected officials, the law director and building official to consider the property owner before
154 conflict ensues.

155
156 **INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

157
158 **ORD. NO. 62 – 2014**

159 AN ORDINANCE AMENDING SECTIONS 121.02(d), 121.02(q), 123.03 OF THE CODIFIED
160 ORDINANCES OF THE CITY OF MACEDONIA, OHIO IN ORDER TO CONFORM WITH THE
161 MOST RECENT VERSION was **offered** by Ms. Darrow for its **third reading by title only**. Second not
162 required.

163
164 Ms. Darrow moved, Ms. Hanneken seconded, to **adopt ORD. NO. 62-2014**, and post same according to
165 law.

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

167 Nays: None

168 The motion passed, **ORD. NO. 62-2014 declared adopted**

169 **ORD. NO. 69 -2014**

170 AN ORDINANCE PROVIDING FOR REVIEW OF THE CHARTER BY CHARTER REVIEW
171 COMMISSION; FIXING ITS DUTIES AND ESTABLISHING A PROCEDURE FOR THE REVIEW
172 was **offered** by Mr. Molnar for its **second reading by title only**. Second not required.

173
174 **RES. NO. 70– 2014**

175 A RESOLUTION CONFIRMING THE APPOINTMENTS TO THE CHARTER REVIEW
176 COMMISSION was **offered** by Mr. Engle and moved Council waive the requirement that it be read by
177 title on three different days, instructing the Clerk to read it by **title only for its second and third**. Second
178 by Ms. Darrow.

179
180 Roll call: Ayes: Darrow, Engle, Hanneken

181 Nays: Molnar

182 The motion failed.

183

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184 For lack of suspension of rules Mr. Engle moved **RES. NO. 70-2014** to be read by **title only for its**
185 **second reading**. Second not required

186

187 Relative to RES. NO. 70-2014 Councilor Darrow asked Councilor Molnar if he was unhappy with the
188 appointments to which Mr. Molnar responded that was not the issue, he just wanted to follow the due
189 process.

190

191 **ORD. NO. 74 -2014**

192 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGEEMENT
193 WITH INCOM IN ORDER TO UPGRADE THE CITY'S EXISTING VIDEO EQUIPMENT was
194 **offered** by Mr. Engle and moved Council waive the requirement that it be read by title on three different
195 days, instructing the Clerk to read it by **title only for its second and third readings**. Second by Ms.
196 Darrow.

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

198 Nays: None

199 The motion carried

200

201 Mr. Engle moved, Mr. Molnar seconded **to adopt ORD. NO. 74-2014** and post same according to law.

202

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

204 Nays: None

205 The motion carried. **ORD. NO. 74-2014 declared adopted.**

206

207 **ORD. NO. 76 -2014**

208 AN ORDINANCE ACCEPTING FROM THE OHIO EPA A SECTION 319(h) NONPOINT SOURCE
209 IMPLEMENTATION GRANT FOR THE LAKE ERIE WATERSHED TO BE USED FOR THE
210 MACEDONIA STORMWATER INNOVATION PARK AND AUTHORIZING THE MAYOR TO
211 ENTER INTO AN AGREEMENT THEREFORE was **offered** by Mr. Molnar for its **second reading by**
212 **title only**. Second not required.

212

213 **ORD. NO. 77 -2014**

214 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MUTUAL AID AGREEMENT
215 WITH THE SUMMIT METRO CRASH RESPONSE TEAM was **offered** by Ms. Darrow and moved
216 Council waive the requirement that it be read by title on three different days, instructing the Clerk to read
217 it by **title only for its second and third readings**. Second by Mr. Engle.

218

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

220 Nays: None

221 The motion carried

222

223 Ms. Darrow moved, Mr. Engle seconded **to adopt ORD. NO. 77-2014** and post same according to law.

224

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

226 Nays: None

227 The motion carried. **ORD. NO. 77-2014 declared adopted.**

228

229 **ORD. NO. 82-2014**

230 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1171.15 (b) TO ALLOW A
231 STORAGE BARN AS A NON-RESIDENTAL USE IN A RESIDENTAL DISTRICT was **offered** by
232 Mr. Engle for its **second reading by title only**. Second not required.

232

233 Relative to ORD. NO. 82-2014, Councilor Engle explained that the law director will be making requested
234 revisions prior to the next reading.

235

236 **RES. NO. 83-2014**

237 A RESOLUTION APPOINTING LOUIS TOWNSEND TO THE CIVIL SERVICE COMMISSION IN
238 ORDER TO FILL A RECENT VACANCY was **offered** by Ms. Hanneken and moved Council waive the
239 requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for**
240 **all three readings**. Second by Mr. Molnar.

241

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

243 Nays: None

244 The motion carried

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245 Ms. Hanneken moved, Mr. Engle seconded **to adopt RES. NO. 83-2014** and post same according to law.

246

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

248 Nays: None

249 The motion carried. **RES. NO. 83-2014 declared adopted.**

250

251 Relative to RES. NO. 83-2014, Mr. Townsend thanked the Mayor and Council for his appointment. Mr.

252 Townsend appreciated the competitive process relative to filling the vacancy and the fact that position

253 was advertised and an interview was conducted.

254

255 **RES. NO. 84 -2014**

256 A RESOLUTION EXPRESSIN SUPPORTFOR THE COUNTY OF SUMMIT’S PROPOSED 0.25%

257 ADDITIONAL SALES AND USE TAX, AND URGING THE CITIZENS OF THE CITY OF

258 MACEDONIA TO VOTE YES ON THE ISSUE AT THE NOVEMBER 4, 2014 GENERAL

259 ELECTION was **offered** by Mr. Molnar for its **first reading by title only**. Second not required.

260

261 **ORD. NO. 85-2014**

262 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A CONTRACT

263 FOR RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES

264 AND AUTOMATED TRASH COLLECTION WITH BROWNING FERRIS INDUSTRIES OF OHIO

265 INC. (REPUBLIC SERVICES) FOR A FIVE-YEAR TERM BEGINNING ON DECEMBER 1, 2014

266 AND EXPIRING WITH OPTIONS ON NOVEMBER 30, 2019 was **offered** by Ms. Hanneken and moved

267 Council waive the requirement that it be read by title on three different days, instructing the Clerk to read

268 it by **title only for all three readings**. Second by Mr. Engle.

269

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

271 Nays: None

272 The motion carried

273

274 Ms. Hanneken moved, Mr. Engle seconded **to adopt ORD. NO. 85-2014** and post same according to law.

275

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

277 Nays: None

278 The motion carried. **ORD. NO. 85-2014 declared adopted**

279

280 Relative to ORD. NO. 85-2014, Councilor Hanneken stated the bidding provided good results for the

281 residents, a dollar less per quarter than the previous contract.

282

283 **ORD. NO. 86-2014**

284 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A

285 CONTRACT WITH J.D. STRIPING AND SERVICE INC. FOR THE 2014 PAVEMENT MARKING

286 PROGRAM OF CITY STREETS PROGRAM was **offered** by Mr. Molnar and moved Council waive the

287 requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for**

288 **all three readings**. Second by Ms. Hanneken.

289

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

291 Nays: None

292 The motion carried

293

294 Mr. Molnar moved, Ms. Darrow seconded **to adopt ORD. NO. 86-2014** and post same according to law.

295

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

297 Nays: None

298 The motion carried. **ORD. NO. 86-2014 declared adopted.**

299

300 **ORD. NO. 87 -2014**

301 AN ORDINANCE AMENDING AND SUPPLEMENTING THE 2014 ANNUAL APPROPRIATIONS

302 ORDINANCE NO. 26-2014 was **offered** by Ms. Hanneken and moved Council waive the requirement that

303 it be read by title on three different days, instructing the Clerk to read it by **title only for all three**

304 **readings**. Second by Mr. Molnar.

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305 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
306 Nays: None
307 The motion carried
308

309 Ms. Hanneken moved, Ms. Darrow seconded to **amend ORD. NO.87-2014** to read as follows:
310

FUND 101.150.5340	\$100,000.00
FUND 101.150.5340	\$ 54,000.00

311 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
312 Nays: None
313 The motion carried
314
315

316 Ms. Hanneken moved, Mr. Molnar seconded to **adopt ORD. NO. 87-2014 as amended** and post same
317 according to law.

318 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
319 Nays: None
320 The motion carried. **ORD. NO. 87-2014 declared adopted as**
321 **amended.**
322
323

324 Relative to ORD. NO. 87-2014, Councilor Hanneken thanked Chief Golden for including the acquisition
325 of a canine officer to the police department to assist in drug enforcement particularly for use at the high
326 school.

327 **ORD. NO. 88-2014**

328 AN ORDINANCE AUTHORIZING THE CLOSURE OF FUND 216 CAPITAL AGENCY FUND AND
329 TRANSFERRING THE BALANCE TO GENERAL FUND 101 was **offered** by Ms. Hanneken and
330 moved Council waive the requirement that it be read by title on three different days, instructing the Clerk
331 to read it by **title only for all three readings**. Second by Mr. Engle.
332
333

334 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
335 Nays: None
336 The motion carried
337

338 Ms. Hanneken moved, Ms. Darrow seconded to **adopt ORD. NO. 88-2014** and post same according to
339 law.

340 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
341 Nays: None
342 The motion carried. **ORD. NO. 88-2014 declared adopted.**
343

344 **ORD. NO. 89-2014**

345 AN ORDINANCE AMENDING SECTION 181.02 OF THE CODIFIED ORDINANCES OF THE CITY
346 OF MACEDONIA, OHIO, BY ADDING TO THE DEFINITION OF TAXABLE INCOME FOR
347 CLARAFICATION PURPOSES 101 was **offered** by Ms. Darrow and moved Council waive the
348 requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for**
349 **all three readings**. Second by Mr. Molnar.
350

350 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
351 Nays: None
352 The motion carried
353

354 Ms. Darrow moved, Mr. Molnar seconded to **adopt ORD. NO. 89-2014** and post same according to law.
355

356 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
357 Nays: None
358 The motion carried. **ORD. NO. 89-2014 declared adopted**
359

360 **ORD. NO. 90-2014**

361 AN ORDINANCE AUTHORIZING THE MAYOR TO ENGAGE THE STATE AUDITOR TO
362 CREATE A TAILORED PERFORMANCE AUDIT OF THE CITY OF MACEDONIA
363 DEPARTMENTS AND SERVICES 2015 was **offered** by Mr. Molnar for its **first reading by title only**.
Second not required.

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364 **ORD. NO. 91-2014**

365 AN EMERGENCY ORDINANCE TO APPROPRIATE FOR STREET PURPOSES CERTAIN FEE
366 SIMPLE INTERESTS AND/OR EASEMENTS IN AND TO THE PREMISES, MORE FULLY
367 DESCRIBED BELOW AND THE PLANS AND SPECIFICATIONS FOR THE PROJECT, ALONG
368 STATE ROUTE 82 TO FACILITATE ITS WIDENING, AND RESURFACING , INCLUDING
369 DRAINAGE IMPROVEMENTS AND TRAFFIC CONTROL SIGNALS, FURTHER IDENTIFIED AS
370 P.I.D. NO. 81656 WITH THE COUNTY/ROUTE/SECTION NO. SUM-SR82-4.65 was **offered** by Mr.
371 Engle for its **first reading by title only**. Second not required.

372
373 **ORD. NO. 92-2014**

374 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A REVISED
375 AGREEMENT WITH SUMMIT COUNTY AND OTHER PARTICIPATING MUNICIPALITIES
376 WITH REGARDS TO THE INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING
377 FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING WITH THE TERM
378 BEGINNNING OCTOBER 1, 2014 THROUGH JUNE 30, 2015 was **offered** by Mr. Molnar for its **first**
379 **reading by title only**. Second not required.

380
381 **MOTIONS OR OTHER LEGISLATIVE ACTIONS**

382
383 ~Ms. Hanneken moved, Mr. Engle seconded to extend for an additional twenty-four (24) month period
384 from today the license granted the Longwood Manor Historical Society pursuant to original Macedonia
385 Ordinance No. 11-2012 and subsequent Ordinance No. 17-2013.

386
387 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
388 Nays: None
389 The motion carried

390
391 ~Ms. Hanneken moved, Mr. Engle seconded, to commit Macedonia's local share of Two Hundred Thirty-
392 Seven Thousand Dollars (\$237,000) to be applied to the phase 3 widening of SR82 project identified as SUM-
393 SR82-4.56, P.I.D. NO. 81656; in support of the OPWC application regarding to the same.

394
395 Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
396 Nays: None
397 The motion carried

398 **CORRESPONDENCE:**

399
400 ~ Letter to Macedonia City Council from Jan Filmeck, Macedonia resident and member of Nordonia Hills
401 Garden Club expressing her disappointment in the disregard and neglect of Memorial Park after the
402 garden club provided extensive donations of flowers, scrubs and time to improving Memorial Park.

403
404 ~ Letter to Macedonia City Council from Kerry Wichert, Nordonia Hills resident and member of
405 Nordonia Hills Garden Club who also expressed her disappointment in the disregard and neglect of
406 Memorial Park.

407
408 ~ Letter to Officers Chris Neal and Rick Rizzo from Tiffany Van, Macedonia resident expressing her
409 appreciation in regards to the officers' professionalism and quick and immediate response o a hit and run
410 accident for which Ms. Van was a victim.

411
412 ~ Letter to Fire Chief Tim Black from Chris Coffy, RN, BSN, Program Coordinator for the Samaritan
413 Regional Health System, commending Macedonia's medics and Explorers for their participation in Fresh
414 Air Camp the week of June 8th.

415
416 **MAYOR'S REPORT:**

417
418 "Following is the latest information from ODOT as provided to me by our City Engineer
419 concerning making Interstate 271 a 6 lane highway.

420 This project consists of major reconstruction, widening and bridge deck replacement on I 271.
421 This project will accomplish widening the road from 4 to 6 lanes, including re-decking and
422 widening of 4 structures (over sr82 and Norfolk-Southern RR). Project limits are from north of

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423 sr8 to just south of the Cuyahoga County line. This will be I 271 through the entire City of
424 Macedonia.

425 This project also consists of the relocation of the I 271 northbound entrance ramp from SR 82 to
426 South Freeway Drive as well as the widening of approximately 0.25 miles of SR 82 to
427 accommodate the addition of a sixth travel lane. The sixth lane will serve as a westbound thru
428 lane east of South Freeway Drive and will convert to a left turn lane west of South Freeway
429 Drive. South Freeway Drive will be widened to accommodate the addition of a northbound left
430 turn lane onto the new IR 271 northbound entrance ramp. the new turn lanes resulting in that part
431 of route 82 will be over 600 ft. in length.

432 The project has been sold by ODOT to the design-build team of Great Lakes Construction and
433 URS in the approximate amount of \$46,860,000. Construction is scheduled to commence in the
434 fall of 2014. The following is an anticipated sequence of the project schedule:

435 Fall 2014 – Work on outside shoulders for MOT (Maintenance of Traffic) purposes

436 Winter 2014/2015 – Traffic maintained on outside lanes for bridge demolition and
437 pavement work on inside

438 Spring/Summer 2015 - Traffic maintained on outside lanes for inside pavement widening
439 & bridges

440 Spring 2015 – Freeway Drive and relocated North Ramp construction

441 Fall 2015 to Spring 2016 – Traffic maintained on inside to construct pavement & bridges
442 on outside

443 Summer 2016 – SR 82 widening construction

444 Summer 2016 – Noise wall construction

445 Fall 2016 – Construction completion

446 Updates to project milestones will be provided as the project develops. Updates identified below
447 per preconstruction conference:

448 1. Construction anticipated commencing on September 1, 2014.

449 2. Construction completion for total project by September 30, 2016.

450 3. Interim completion date for the north ramp relocation portion of the project is June 30,
451 2015.

452 4. “Emergency Responders” meeting will be scheduled and conducted prior to
453 commencement of construction.

454 5. R/W acquisition clear date is December 31, 2014.

455 Once again I would like to reiterate the necessity to look for alternate routes. The construction
456 will have a profound effect on our community. Start preparing now to avoid congestion in the
457 future.

458 Don't forget to install Nixle on your phone to get texts from our dispatchers as situations develop.
459 It is very simple. All that you have to do is text our zip code 44056 to 888777. You might
460 actually get informed by Nixle of a traffic problem before you're stuck in it.

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461 When the roadwork is complete, our fate will be sealed and we will truly be the crossroads of
462 North East Ohio. This will enhance the value of property here and it will truly make Macedonia a
463 destination City.

464 Court receipts for August were \$35,787.”

465

466

467

468 **COMMITTEE REPORTS**

469

470 **Finance Committee** Ms. Hanneken reported discussions relative to the 2015 budget will commence
471 based on the following schedule: Finance director’s draft of 2015 budget to finance committee by
472 September 16, finance meeting on September 18 to review budget draft and a second finance committee
473 on October 2 to review each department’s line item budgets. On October 16 the support department
474 budgets will be reviewed. All meetings will start at 7pm. Ms. Hanneken anticipates the first reading of
475 the 2015 appropriations to be October 23, the second November 13 and third December 11.

476

477 **Planning Commission** Councilor Darrow reported Planning met on August 18 and reviewed the the
478 wall sign for Western Reserve as well as a round monument sign for Chicago Title at 360 E. Highland
479 Road. Another monument sign was reviewed relative to 1211 E. Highland Road. Planning also reviewed
480 replacement of an existing sign at Macedonia Commons and the sign relocation relative to Sign-O-Rama
481 at 9862 S. Freeway Drive, Unit B. Sign-O-Rama is moving from its current location at Macedonia Town
482 Square Plaza.. Ms. Darrow stated while not confirmed there may be special meeting of Planning on
483 August 31 relative to under canopy light sign at Macedonia Commons. The next regular Planning
484 meeting is Monday, September 15 at 5:30pm.

485

486 Mayor Kuchta interjected that he does not believe the special meeting will be necessary as the item is not
487 of a critical nature.

488 **DEPARTMENT REPORTS**

489

490 **Service Department** Director DeGaetano reported that seventy residents who recycle routinely were
491 rewarded through the “Get Caught Rewards Program” with gift cards to either Chick-A-Fil, Dunkin’
492 Donuts or Menche’s. The gift cards were purchased with funds provided by a ReWorks grant Mr.
493 DeGaetano stated. Regarding another matter Mr. DeGaetano stated that many residential addresses
494 throughout the community are not visibility displayed. For safety reasons alone Mr. DeGaetano advised
495 that street numbers should be noticeable on mailboxes and on homes. Mr. DeGaetano suggested 4 inch
496 numbers of contrasting color be placed in highly visible locations. Mr. DeGaetano mentioned the
497 crossover pipe repairs are complete. The repair at Migliorini Way however is on hold because it has been
498 the determined the failure is a result of a water main leak. Migliorini Way therefore will not be fixed
499 until Cleveland Water makes the necessary repairs. The projects relative to Laurie and Eileen will be
500 started next week he added. Regarding Macedonia’s parks and the letters received regarding the same,
501 Mr. DeGaetano stated he is not happy with the condition and appearance of the parks either. The parks
502 should be pristine, especially Memorial Park Mr. DeGaetano stated because of who that park is dedicated
503 to. Mr. DeGaetano was aware the letters were forth coming. Mr. DeGaetano said he suggested the
504 letters be written because there is little he can do with the manpower he has. Mr. DeGaetano thought
505 hearing from the members of garden club will have more of an impact on Council than hearing from him.
506 There are beautification plans for the parks that he would like included in next year’s budget he stated.
507 Regarding road salt Mr. DeGaetano reported that he advised the Mayor and finance director that it has
508 increased per ton from \$27.50 to \$55.48. This year Cargill is the supplier. Currently Macedonia has
509 about 3000 tons stockpiled Mr. DeGaetano added..

510

511 Mayor Kuchta commended Mr. DeGaetano’s leadership abilities particularly when service department
512 staffing is down by six employees. The staffing level unfortunately reflects in certain areas Mayor Kuchta
513 stated, particularly when it comes to the appearance of the parks.

514

515 Councilor Hanneken asked Mr. DeGaetano whether the issue at Longwood she requested be looked into
516 was taken care of to which he answered yes. Ms. Hanneken commended Mr. DeGaetano for taking care
517 of the matter quickly.

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518

519 Councilor Darrow asked Mr. DeGaetano how many applications have been received relative to the new
520 appointment to which he answered over fifty. After reviewing each application with HR/Betsy
521 McCafferty the pool of applications has been reduced to ten. Personal interviews will begin next week he
522 added.

523

524

525 **Building Commissioner** Mr. Hlad reported the GFS has been given a building occupancy as they will
526 be open for business this week-end. Ribbon cutting is tentatively scheduled for September 18th. The
527 zoning occupancy is being held for 30-days because of site issues that still must be resolved he added.
528 Mr. Hlad reported that the footers are being poured regarding the assistant living facility at South
529 Bedford. The apartment complex known as the Enclave has run into some items of concern.
530 Recommendations have been made regarding resolution of those items. Mr. Hlad mentioned that because
531 of some soil issues spread footers were used for the retail development at Route 8 & 82.

532

533 Councilor Hanneken asked for an update relative to the roads bids to which he answered the bid opening
534 is September 2nd which Mr. Fini will expound on during his report.

535

536 **Engineer** Mr. Fini reported that the road bids for Airplane, Westwood and full-depth repairs will be
537 opened at noon on September 2. Mr. Fini was glad to learn of the companies who pulled the bid tabs.
538 Hopefully the bids will be good he added.

539

540 Councilor Molnar asked Mr. Fini to provide a report relative to the cost of repairing the 33 roads currently
541 listed in poor conditions and to provide an estimated time frame as to how soon the other roads will fall
542 into that category.

543

544 Regarding another topic Mr. Darwish was present he said to answer questions regarding comments in an
545 August 21 email made by Councilor Darrow relative to a Lake Forrest Estates property owner and
546 services provided by GPD. Because emails are sometimes misleading Mr. Darwish said he felt attending
547 tonight's meeting might address some of the comments that were made.

548

549 Councilor Darrow interjected that the property owner made comments about GPD which she responded
550 to.

551

552 Mr. Darwish suggested to Ms. Darrow and every member of Council to call him personally if she or they
553 have questions about GPD's services.

554

555 Councilor Darrow asked Mr. Darwish to refresh her memory as she couldn't recall the exact content of
556 the property owner's email.

557

558 Mr. Darwish said he did not have the property owner's email to which Ms. Darrow said she will provide
559 Mr. Darwish with the email which they'll discuss at a later time. Ms. Darrow said the property owner
560 emailed every member of Council not just Ms. Darrow. Ms. Darrow stated she believes what she told the
561 property owner is that GPD has many other employees who can check the property if the property owner
562 did not want Nick Fini there. Ms. Darrow stated, "Am I right, do you not have other employees. I think
563 that is was only fair that I told the property owner that there were other employees besides Nick Fini" Ms.
564 Darrow also asked Mr. Darwish if GPD was under contract to the City to which he answered yes.

565

566 Mr. Darwish expressed caution because while he is not an attorney he said it appears that the property
567 owner's issue is a private civil matter. Mr. Diemert will be addressing the legality of the matter Mr.
568 Darwish added.

569

570 Ms. Darrow stated from what she has gathered, City officials including building and engineering visited
571 the property and promised the property owner help. Ms. Darrow said she did not ask the resident to email
572 her but she added if residents email her she responds. As far as she is concerned there are other GPD
573 employees who can be sent under the Mayor's request.

574

575 Mayor Kuchta interjected that the issue is complicated because for the matter to be resolved would
576 require spending public dollars on a private matter. The property owner Mayor Kuchta explained is
577 asking the City to dispose of sand accumulating in the creek on his property. The City followed the
578 stream bed in an attempt to determine the source of the sand. Found upstream was eroding sandstone the

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579 Mayor stated. The Mayor provided photos of the eroding rock bed. The property owner however feels
580 the sand is coming from a company located in Twinsburg Township. The only way to determine the
581 actual source of the sand is through analysis Mayor Kuchta stated. Mayor Kuchta asked Mr. Hlad the
582 cost of testing the sand to which he answered \$2500 for a two test series and \$1200 or so for an initial
583 analysis. In Mayor Kuchta's opinion the initial test would determined if the accumulation is from eroding
584 sandstone and thus the issue would be over. There has been considerable development upstream which
585 could be a factor in the erosion Mayor Kuchta stated. And according to Mr. Diemert there are several
586 options which the property owner can pursue including appealing to the federal government Mayor
587 Kuchta added.

588

589 Councilor Darrow asked if Medina Supply would be tested to which Mayor Kuchta answered no, the sand
590 in the creek bed would be tested to determine composition and origin.

591

592 Councilor Molnar thought this issue was resolved several years.

593

594 Mr. Darwish explained in 2007 the Ohio EPA required Medina Supply to take corrective measures by
595 building a sand retention basin. In 2011 the EPA confirmed that the retention basin is in compliance, that
596 it is performing as it is meant to.

597

598 Councilor Darrow asked Mr. Hlad if he promised the property owner that the sand would be tested to
599 which Mr. Hlad answered that he and Service Director DeGaetano did. The issue then Ms. Darrow stated
600 is the property owner was promised testing.

601

602 Mr. Hlad stated the promise was made to the property owner Mr. Hlad added prior Mr. Diemert's
603 interpretation. He reiterated that the initial field study and geotech report would cost about \$1200.00. The
604 more elaborate reports cost \$2500.00 each.

605

606 Councilor Engle thought Mr. Diemert stated this was a private property matter for which the City
607 shouldn't be involved.

608

609 Mayor Kuchta interjected; Mr. Diemert's recommendation is that the property owner contacts the United
610 States Department of Agriculture and asks for referral to federal attorneys' expert in surface water
611 drainage issues.

612

613 Councilor Hanneken stated her knowledge of the Lake Forrest matter is based solely on emails she has
614 read. There appears that the City agreed to address the issue. There also appears she said to be one or
615 two possibilities for the sediment. One is eroding sandstone from Twinsburg Township east of the
616 resident's property and the other is that the Medina Supply retention basin has not corrected problem. In
617 Ms. Hanneken's opinion Macedonia could work with Twinsburg Township in determining whether the
618 sand is from eroding sandstone upstream. A retention basin in that area may be all that is needed to
619 resolve the problem. Clearly there are huge amounts of sand forming in the ditches she said. And the
620 City did promise to help the property owner. The property owner mentioned in one of his emails that the
621 City should have been aware of the sand problem when Lake Forrest was platted.

622

623 Mayor Kuchta added that the property surrounding Lake Forrest has developed since Lake Forrest was
624 platted. Mayor Kuchta told Ms. Hanneken that he sent officials to the property at her request.

625

626 Ms. Hanneken responded that it was not at her request. Ms. Hanneken said she asked Mr. Kegler from
627 Twinsburg Township to send someone to look at the situation and he did.

628

629 Mr. Darwish interjected that Twinsburg's superintendent does not believe the sedimentation is coming
630 from Medina Supply, the township or the industrial park located in township. There lies the confusion
631 Mr. Darwish stated. Mr. Fini tried resolving the issue by involving Summit County engineers, Summit
632 Soil and Water and asked the EPA to revisit the area Mr. Darwish stated. Mr. Darwish reiterated that this
633 is a private matter.

634

635 Councilor Engle questioned, why then is there continued discussion, why is anything being done if it's a
636 private matter. A private issue should be handled by a private attorney Mr. Engle stated.

637

638

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639 Councilor Hanneken responded, the City promised to help the property owner. If the City should not be
640 doing things of this nature than promises should be made she stated. The property owner invited Ms.
641 Hanneken to see the property after City officials had already visited. There is a boat load of sand washing
642 into the property owner's creek after a storm Ms. Hanneken stated. Mr. Kegler did not think the sand
643 was from Medina Supply but he didn't say it came from Twinsburg Township. The City should be
644 figuring out what the problem for a subdivision as large as Lake Forrest Ms. Hanneken stated.
645

646 Councilor Engle does not believe there is any evidence of wrong doing by the City or that the City did not
647 follow due diligence when Lake Forrest was created. Growing up by a creek Mr. Engle can attest that
648 sediment is always an issue he added.
649

650 Councilor Molnar asked if the property owner's creek is in city r/w to which Mr. Darwish answered that
651 the creek is solely on private property. The matter then is a private issue Mr. Molnar stated. The legal
652 department needs to determine what if anything the City can do in this matter. The City is poised to help
653 residents when it legally can. There may have been statements made or statements that have been
654 misinterpreted but in Mr. Molnar's opinion Messer's Hlad, Fini and Darwish have been more than
655 professional regarding this issue. They have been extremely cautious so before anyone starts firing
656 bullets give these professionals an opportunity to work with law department on the matter.
657

658 Councilor Hanneken stated she wasn't firing any bullets, she was merely stating her opinion.
659

660 Councilor Darrow told Mr. Molnar his comment was inappropriate. Councilor Darrow told Mr. Darwish
661 that she would share the property owner's email with him privately. Councilor Darrow also told Mr.
662 Darwish it was unfair of him to speak publicly about the email. Mr. Darwish should have called Ms.
663 Darrow personally to discuss the matter privately.
664

665 **Recreation Department** Ms. Gmerek reported that this time of each year the Recreation Center loses
666 it's seasonal, part-time staff many of whom return to school. As a result applications are being accepted
667 for many positions including certified life guards and certified fitness instructors. Ms. Gmerek
668 announced that the Recreation Center will be closed Monday, September 1 in observance of Labor Day
669 and the entire week of September 15 for general maintenance and repairs.
670

671 Councilor Hanneken asked Ms. Gmerek to provide revenue and expenses report relative to this year
672 "Spirit of Macedonia Community Festival".
673

674 Ms. Gmerek stated Council had allocated \$50,000 toward the event. Expenses were \$40,905.99
675 excluding one item. A report of the same including footnotes was emailed to each member of Council
676 she stated. One item that was not taken from the festival fund because of a payroll issue relates to service
677 department overtime in the amount of \$5423.36 which Mr. Svab asked to be noted separately she stated.
678 Adding the two sums would make total expenses \$46,329.35. Total revenue was \$29,053.00.
679 Amusement ride sales totaled \$41,655.00 of which the city received a portion. A full day was lost Ms.
680 Gmerek reminded Council because of severe weather so basically these dollars represent a three-day
681 event for the ride vendor. Macedonia realized a predetermined percentage of the amusement ride sales
682 she added. Given this was treated as a first year event by the amusement park vendor the vendor was
683 cautious not knowing what to expect in ridership. There is however wiggle-room in the contract to
684 negotiate percentages and amounts differently going forward which Ms. Gmerek strongly suggested.
685 Some expenses like \$8,109 for electrical safety upgrades were determined to be a onetime expense Ms.
686 Gmerek stated.
687

688 Councilor Hanneken stated she prepared her own report. The total loss this year is \$17, 276.35 which
689 includes the cost of the service department overtime.
690

691 Ms. Gmerek agreed and said she stated so in her report. The difference this year compared to previous
692 years' events is that safety forces' costs were included in the original allocation to the festival Ms.
693 Gmerek stated
694

695 Councilor Hanneken thought that the financial facts should be noted for future reference and that perhaps
696 a way to reduce expenses was to use volunteers as a way to defray costs.
697

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698 Ms. Gmerek added that there are many ideas that have been discussed already to make the festivals better
699 and more popular without costing more. Building on what was done, adding to it and also, allocating
700 more time to planning the event will helpful going forward.

701
702 Councilor Engle asked Ms. Gmerek if she is asking that the event be held next year and if so, funds to be
703 allocated to which Ms. Gmerek answered yes to both if that's Council's desire. Ms. Gmerek feels the
704 ground work has been prepared. This year was a good starting point she stated. It takes one to three
705 years to get events of this magnitude established Ms. Gmerek added.

706
707 Councilor Molnar interjected that it is important to remember that the electrical upgrade of \$8,109 was a
708 major expense. Mr. Molnar had anticipated losses to be greater given the expense of the additional
709 upgrades. This festival is primarily a community event meant for children and friends and family to
710 gather for a sense of community. Saturday of the event had a wonderful turn-out he added. The primary
711 purpose is not to be money maker, it's a community builder. Mr. Molnar would like the event to remain
712 an annual community event with the hope that at the very least the festival breaks even.

713
714 Ms. Gmerek interjected that Saturday of event was a record turn-out according to the amusement ride
715 vendor. In fact ridership sales exceeded sales at some events like Twins Day and the Duct Tape festival.

716
717 Councilor Hanneken interjected that she would like Ms. Gmerek's recommendations as to how the
718 festival's site plans could be configured differently to which Ms. Gmerek said that looking forward there
719 are many issues she would reconsider. The largest items like the placement of rides dictate much of the
720 layout Ms. Gmerek stated. Case in point the community tents did not get the visibility this year that they
721 should have because of ride placement. A post event meeting was held and many issues which should be
722 reconsidered were discussed.

723
724 **Finance Department** Mr. Svab reported that the 2013 audit is concluding with no findings for
725 recovery. One of the recommendations by the auditor that has been made over the last several audits is
726 that the allocation of the income tax revenue should be clarified. Currently, allocation is by percentage
727 and the auditor would like the money to be allocated by funds. The percentages could still remain. Mr.
728 Svab mentioned revising a CAFR. Macedonia performed a CAFR for one-year in 2007 when Loren
729 Sengstock was director of finance. The CAFR was discontinued thereafter due to lack of personnel as a
730 result of the poor economy. A CAFR is the most defined financial reporting a community can perform. It
731 is however time consuming, requiring additional personnel and funding for GAAP conversion. An
732 advantage of a CAFR is that improves a community's bond rating. A CAFR also provides ten-years of
733 historical data. A determination will have made whether a CAFR is something Council wants and if so
734 for the necessary funding to be allocated. The R.I.T.A report for period seven indicates that income tax
735 revenue is down just by 1%, or \$47,900.00. Net profits are the reason revenue is higher than originally
736 estimated Mr. Svab stated. Regarding the third phase of the widening of Route 82, Mr. Svab suggested a
737 voice vote of Council to affirm the City's commitment and local share of \$237,000 relative and the
738 OWPC grant for which Macedonia applied. The grant application requires a firm commitment of the
739 exact dollar amount Mr. Svab explained although Council previously confirmed its commitment relative
740 its share of the percentage. DLZ, the company handling the r/w acquisitions relative to the widening has
741 acquired 19 properties to date Mr. Svab stated.

742
743 Mo Darwish of GPD interjected that the OPWC grant applied for on behalf of Macedonia has several
744 requirements one of which is the City's verbal commitment of its local share. The grant is judged and
745 competes with many other communities. The show of support from the elected official is very important
746 in the application process Mr. Darwish stated.

747
748 Councilor Engle asked how much is Macedonia's financial commitment to which Mr. Darwish reiterated
749 what Mr. Svab stated earlier, \$237,000.

750
751 Councilor Molnar questioned whether these funds have been appropriated to which Mr. Svab answered
752 that they have not. But there is already approximately \$100,000 in license plate monies that will be
753 applied towards the project Mr. Svab stated.

754
755 Mr. Darwish explained that the OWPC grant is meant to defray the City's financial commitment. The
756 commitment is present whether or not the City receives the grant. Macedonia's local share is more in the
757 area of \$460,000. The grant is intended to cover some of that cost.

758

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759 Councilor Hanneken questioned whether the motion was really necessary this evening to which Mr. Svab
760 answered that it is because Macedonia's commitment will add points to the OPWC application thus
761 providing greater opportunity for the grant to be approved. [**For motion see "Motions and Other**
762 **Legislative Actions"**]

763

764 **Fire Department** Chief Black welcomed Mr. Townsend to the Civil Service Commission.

765

766 **Police Department** Chief Golden welcomed Mr. Townsend as well. Chief Golden announced that a
767 First Merit account has been set up for donations relative to the care of the canine officer who will be
768 soon part of the police department.

769

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

771

772 **Unfinished business** None.

773

774 **New business** Councilor Hanneken announced that the City has exceeded \$100,000 in legal expenses
775 relative to the Farnhurst lawsuit. These costs will continue to increase until something is done she added.

776

777 There being no further business, the meeting adjourned at 9:36pm.