

Record of Proceedings

Regular Council Meeting

September 11, 2014

Presiding Officer, Mayor Donald Kuchta called the September 11 meeting of Macedonia City Council to order at 7:30pm.

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 Council President Dave Engle

INVOCATION was led by Mayor Kuchta in which the events of 9/11 were remembered. There was also a moment of silence in the memories of Sagamore Hills Trustee Dick Barrett who passed last week well as former Northfield Village Mayor Carmen Consolo, who passed in July

MINUTES Mr. Engle moved, Mr. Molnar seconded, to approve the minutes of the regular meetings of June 12, July 24 and the public hearing of August 28 as submitted by the clerk.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
Abstention: Tulley (relative to August 28 public hearing)
The motion carried

PUBLIC COMMENTS

Sue Metzel, Smokerise Drive resident of 36 years and member of the Board and Zoning Code Appeals stated "The recent changes to Macedonia City Council as a governing body as a whole, has left Ms. Metzel and her husband perplexed and dissatisfied. Why does the majority of the current Council feel a burning desire to be in control of situations they have no business controlling? Our current set of commissions such as Planning, BZA and Parks & Recreation have all been doing their jobs well for many years. Nothing is broken, nothing needs fixed. Yet some members believe they are better suited to decide issues such as has been addressed by their Ordinance No. 82-2014 which requires that the approval of Council will be necessary for such structures to be permissible. As council members you are overstepping your bounds. Your job is not to decide on zoning issues. That is the job of the zoning inspector, the building department and if needed, the BZA" Going further, Ms. Metzel asked Ms. Hanneken why she thanked Ms. Metzel after the BZA reversed its decision with the condition of a safety inspection for Mr. H [Havlicek] to which Ms. Hanneken responded that she was pleased what the BZA had done. Continuing, Ms. Metzel told Ms. Hanneken she has turned 180 degrees in her actions and with Dave Engle's help drafted legislation protecting Mr. H because he refuses to let the safety director inspect his barn. How is it to be determined if the barn has safety issues if the owner will not allow the inspection Ms. Metzel asked?

Councilor Hanneken responded that the legislation was a policy change regarding structures that already had conforming structures. The presence of the barn is not unlike the garage that was allowed to remain on the Our Lady of Guadalupe church property after the rectory was demolished Ms. Hanneken stated. Ms. Hanneken reiterated the new legislation is a policy decision and not a decision based on an individual.

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Mayor Kuchta asked Ms. Metzel if the BZA ever received a complaint about the garage at Our Lady of Guadalupe to which she answered no.

Ms. Metzel stated that comparison is like apples to oranges. Continuing, Ms. Metzel stated, "It appears to me and many others that you are trying to tailor this legislation for one resident. In Section 3 of your legislation you declare an emergency measure immediately necessary for the preservation of the public peace health, safety, convenience and welfare of the City of Macedonia. You and I both agree that safety is of the upmost importance. But why won't you enforce your own ordinances and stand behind the proper authorities who are just trying to do their job. I believe the other 10,000 residents would appreciate your focus and go back to the many other priorities and help the Mayor run the City that welcomes new people and businesses. I also believe you need to allow the department heads to be in charge of the decisions they make. They are being paid to do their job and you must let them. To sum up I would like to say while I admire your enthusiasm for your job as council members you also have to keep uppermost in your decision-making what is right for the majority of the residents not just the select few."

Rose Cassmer, Chenook Trail resident stated she wanted to speak to Ms. Metzel's comment that Council is overstepping its authority. Ms. Cassmer stated that the federal government, like the state and local government is designed to have checks and balances. The first two levels of government are comprised of three branches, the executive, the legislative and the judicial. If Macedonia City Council feels the need to look into a matter at a resident's request than it has the authority and the obligation in Ms. Cassmer's opinion to do so. This all pertains to Dan Havlicek's barn Ms. Cassmer stated. Ms. Cassmer is unaware what the issue or complaint was but to her there is nothing wrong with the barn. To worry about property values if a barn stands alone without a residence on the property is irrelevant to her. Ms. Cassmer agrees and respects that fact that a barn standing alone should not be allowed on properties where residences never existed or will ever exist. That situation however is different from disallowing a barn on a property where a residence once existed. In her opinion this matter is personally vindictive. Ms. Cassmer strongly encouraged the administration and Council for the Dan Havlicek barn to be left alone and allowed to remain.

Mayor Kuchta told Ms. Cassmer's that her comments were well stated. Mayor Kuchta explained to Ms. Cassmer that he went to the BZA on Mr. Havlicek's behalf. Council too waived the fees relative to the BZA. The BZA reversed its original ruling and Mr. Havlicek was granted a variance. The only criterion Mayor Kuchta stated was to allow City officials to inspect the barn for safety reasons. Mr. Havlicek however has refused the inspection.

Regarding another topic, Terry Hudak, resident and member of the Longwood Manor Historical Society announced that there will be yard sale fundraiser at her home on N. Bedford Road [house number not given] on September 12 & 13 in support of the Manor House.

Relative to another matter, John Matijasich, 1186 River Run Drive, Lake Forrest estates mentioned he watched the last council meeting and felt compelled to comment from his perspective about what was said about the sediment accumulating on his property. This issue Mr. Matijasich said is not his alone; it is the entire developments. Mr. Matijasich had hoped Councilors Engle and Molnar would have visited his property to see the problem. Mr. Matijasich has removed five volleyball courts worth of sand because the main drain lies in the middle of his property. Mr. Matijasich explained there was a fire in Twinsburg

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Township 1995 that made the land in Lake Forrest estates available. Using Summit County's GIS system, Mr. Matijasich had photos of the retention area illustrating sediment accumulation. The condition has worsened from 1994 photos until now Mr. Matijasich stated. The sediment is not the sole issue. There is debris washing down. The wood he burns in his fire pit he retrieves from the drain. This problem needs to be addressed Mr. Matijasich stated. Law Director Diemert stated this was a civil issue but Mr. Matijasich disagrees. This issue should have been reviewed more thoroughly prior to the construction of the development he said. Mr. Matijasich said in a 2011 email from Engineer Nick Fini a recommendation was made to install a retention basin to limit and control erosion and that the proposed retention basin would be added to the City's storm water capital improvement plan. Mr. Matijasich said Mr. Molnar wrote in an email, "Hasn't this issue been resolved. It came up years ago and went away and now it's come back?" But it hasn't Mr. Matijasich added.

Councilor Molnar interjected that to the best of his knowledge the situation had been resolved.

Mr. Matijasich reiterated that it hasn't. He encouraged members of Council who have not seen his property to visit.

Councilor Engle said he would visit Saturday morning.

Kevin Bilkie, another resident of Lake Forrest and president of the HOA echoed Mr. Matijasich's comments. Residents who have owned their homes since 2003 confirm the pond looks like it has been swallowed by sand. Mr. Bilkie was under the impression city officials were going to examine the issue and figure out what can be done. Mr. Bilkie asked Council to approve funds in order for this issue to get resolved or at the very least send service crew to dredge the lake.

Steve Knotts, a resident too of Lake Forrest thanked Councilors Darrow and Hanneken for inspecting his property. Mr. Knotts is confused about the origin of the sand too. He doesn't know if it's from Medina Supply or from naturally occurring erosion. But the question should be answered. Mr. Knotts also spoke about a culvert on his property. Mr. Knotts spoke of it as an easement which he as the owner of record is responsible for maintaining. Given the stream passes through multiple jurisdictions he is asking that the City review the fact that at the ends in the culvert under his drive which then becomes his responsibility. There are so many levels of jurisdiction relative to maintaining these types of structures he is wondering if there is relief for him as a private property owner. Mr. Knotts questioned that perhaps his home and maybe even Mr. Matijasich's, who is a neighbor should not have built where they are due to the riparian set-back. He wondered about a new home under construction which appears to be very close to the stream bed and perhaps within the riparian set-back.

Ace Morcos another Lake Forrest River Run resident reiterated what Messer's Matijasich, Bilkie and Knotts stated. Mr. Morcos asked Council to take the matter seriously.

Mayor Kuchta explained the administration is suggesting that testing be done. Council however needs to approve the expense.

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Building Commissioner Hlad explained geo-testing would be required and it is a two part process. The first test at about \$1200 provides an opinion and the second at about the same cost determines whether the origin is from Medina Supply or from natural eroding sandstone upstream.

Engineer Fini interjected the dilemma he faces and has discussed with the law department is that the second part of the testing cannot be performed on private property without the permission of the landowner.

Resident Matijasich stated that without being on Medina Supply property he collected sand from a pipe that runs from Medina's retention pond under the railroad trucks to a creek bed. Regardless of the origin of the sand it must be dealt with Mr. Matijasich stated. Knowing it's from Medina Supply helps determine financial responsibility he added.

Resident Bilkie chided in that the City should be responsible for testing and resolution to the problem in so far as it approved Lake Forrest to be developed.

Councilor Darrow asked Law Director Diemert if he has contacted Twinsburg Township on this matter to which he answered that he has not.

Mayor Kuchta interjected that retention basins continue to be mentioned. There are at least ten areas in Macedonia where retention basins are needed but there is not funding for them. Mayor Kuchta said he proposed a quarter percent income tax early this year for the November ballot dedicating funding specifically for road and storm water projects. In 2006 Mayor Kuchta said, he formed a storm water committee for the express purpose of identifying and finding solution to Macedonia's many storm water issues. Funding however was never available. The plan is there, there is however no money he stated.

Mr. Bilkie interjected he thought there was a levy was a renewal and questioned why it wasn't placed on the ballot to which Councilor Molnar answered it was not a renewal. Mr. Molnar explained that he and Councilor Tulley voted to place the increase on the ballot to replace the quarter percent that fell off in December. The increase was earmarked for road and storm water projects. The quarter percent would have provided a permanent revenue stream for Macedonia's many problem areas. The proposal included 100% tax credit to residents.

Councilor Hanneken stated the Lake Forrest ditch should be an easement if it is not already. Discussions about this issue have been going on for the last four years without resolution. Council provided revenue in this year's budget for storm water repairs and will continue to do so going forward including roads. Ms. Hanneken said there is no reason to increase the tax base since income tax collections are coming in higher than originally estimated. Macedonia's collections are the same as they were when the temporary quarter percent additional tax was in place because the economy is better. The 3-year tax was added to help the City recover \$2.3M in lost revenue when the economy faltered Ms. Hanneken stated. Resolving the Lake Forrest issue is a cost in the short term and not a financial concern but could be a long term if Macedonia's service crew are responsible for the maintaining the catch basins on a regular basis. To insure that the cost is only short term a determination has to be made of the source of the sand and contain it through preventive measures. This problem should have been planned for when Lake Forrest was first developed Ms. Hanneken added.

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Resident Knotts told Ms. Hanneken that her points are well taken. But the situation worsens by the delay in action.

Councilor Molnar questioned why if it was known that a tested was needed why it wasn't done. About the quarter percent, it was meant to provide a revenue stream for a proactive response to Macedonia's storm water issues and its road problems. Macedonia has a history of waiting for something to be a problem, for there to be complete deterioration before action is taken. Mr. Molnar was unsure if the Lake Forrest issue was on the list of problems identified by the storm water committee but at this point none of the identifiable problems have been remedied. The quarter percent would have allowed addressing all the problems Macedonia has not been able to address. Mr. Molnar said he lost track over time about what has been done relative to the Lake Forrest issue and apologized to the Lake Forrest residents for doing so and for not personally inspecting their properties.

Mr. Matijasich provided the 2011 email from Engineer Fini in which he recommends the Lake Forrest issue be on the list of storm water projects. (On file)

Councilor Tulley interjected that as a member of the storm water committee, there were no funds available for the extensive list of proposed projects, like the Berkshire properties flooded by water run-off from the drain pipe Our Lady of Guadalupe church installed behind its property, or the Indian Creek properties, or the Eileen Drive properties and the many other areas throughout identified by the committee. Although the fee imposed by the NEORSD and later stopped by the court was resented, there was hope that at least some areas would get improved by the portion of the fee Macedonia was to receive. The portion Macedonia was going to get was negotiated as a result of legal challenge Ms. Tulley added. Council recognizes Lake Forrest has an issue and if the first step towards resolution is testing Mrs. Tulley is in full support. Ms. Tulley thanked the Lake Forrest resident for attending this evening's meeting.

Pertaining to another matter, Joel Dickmeyer, a Park Avenue resident stated he inherited his home and has been repairing and remodeling it. The problem he has encountered pertains to drains that are lower than the street. This problem causes water to back-up. Mr. Dickmeyer is requesting the City raise the drain to street level so he can then raise his drive to prevent the water from accumulating and becoming an ice rink. Park Avenue in front of his home also becomes an ice rink he added. Sooner or later someone is going to get killed on Park Avenue he said. Mr. Dickmeyer also asked that the tree line behind his home that is City property be cleared of brush. Snakes are coming from the City's property into Mr. Dickmeyer's yard. Snakes are also coming from the un-mowed commercial property across the street from his home,

Mayor Kuchta told Mr. Dickmeyer there is legislation on tonight's agenda to help address the water on the city-owned parcel at corner of Park and SR82 by installing a rain garden. Mayor Kuchta suggested the stay of water by the rain garden may have a favorable impact Mr. Dickmeyer property.

Regarding another topic, John Cassmer, Chenook Trail resident and president of the Longwood Manor Historical Society asked for the electricity be turned back on in the Manor House. There is little that can be done without the use of electricity Mr. Cassmer stated. Mr. Cassmer explained that the electrical wiring in the Manor House was updated in June at expense of the LMHS. The wiring passed building inspection June

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13. In July Ohio Edison installed the new meter and a new line from the house to the exterior pole. Ms. Cassmer thanked Building Commission Hlad for an expedient inspection and Service Director DeGaetano for the numerous calls he made to Ohio Edison on behalf of the LMHS. The limited electrical service LMHS needs and is requesting Council to authorize is called temporary electrical service he said. The temporary service is limited but is needed to operate the sump pump in the basement, provide lighting for the basement and for outlets in order to run power tools to perform the renovation work. The electric bill for all these uses would be minimal he added. Jackson Heating was to start testing and preparing the furnace but that has not been possible because there is no electricity. The company known as Glass Guru was to install five casement windows in the front exposure of the Manor as a donation but have been unable to because of the lack of electricity. This donation of material, time and labor is \$600 per window he added. The Manor House not only needs electricity to permit continued renovations but to heat the house for proper maintenance. Mr. Cassmer added the lack of work has had an effect on donations. People are generous when they see improvements are being made he stated. The LMHS needs the City's help if the Manor House is to be fully renovated in the foreseeable future Mr. Cassmer said. Council has been supportive of the LMHS by authorizing another 2-year extension to continue renovations yet the LMHS cannot work without utilities. In addressing Ms. Tulley concerns about further commitment and sustainability of the LMHS, Mr. Cassmer stated they have proved their commitment by installing a \$40,000 roof, paying a \$500 annual insurance premium and raising revenue through memberships, donations, fundraisers and grants. Concerning the Manor House's National Registry designation, Mr. Cassmer mentioned that the National Park Service will be notifying the City through Mayor Kuchta's office in the next several weeks when the designation has been granted.

Steve Nome, a new member to the Longwood Manor Historical Society and member of the Board for the Preservation Alliance of Greater Akron, an organization he explained that actively promotes and encourages the preservation, maintenance, restoration, adaptive reuse of building sites of architectural or historical significance in Summit County. In 2006 Mr. Nome stated the Preservation Alliance entered into an agreement with the City of Akron to use and renovate a one room 1870 school house owned by the City of Akron. The Preservation Alliance uses this structure for its headquarters as well as opens it to the community. As a former health department inspector Mr. Nome said he has performed thousands of housing inspections on dilapidated condemned houses and has ordered demolition when necessary. Knowing how detrimental the lack of utilities can do to a structure Mr. Nome encouraged Council to support paying for the utilities for the Manor House.

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

ORD. NO. 69 -2014

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

Mr. Molnar moved, Ms. Tulley seconded **to adopt ORD. NO. 69--2014** and post same according to law.

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

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The motion failed. **ORD. NO. 69-2014 not approved**

RES. NO. 70– 2014

A RESOLUTION CONFIRMING THE APPOINTMENTS TO THE CHARTER REVIEW COMMISSION was **offered** by Ms. Tulley for its **third reading by title only**. Second not required.

Ms. Tulley moved, Mr. Molnar seconded **electing Mr. Engle Council’s representative to the 2014 Charter Review Commission pursuant to Section 2 of Resolution No. 70-2014.**

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

Ms. Tulley moved, Mr. Molnar seconded **to adopt RES. NO. 70--2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried. **RES. NO. 70-2014 declared adopted as amended.**

ORD. NO. 76 -2014

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

Mr. Molnar moved, Ms. Tulley seconded **to adopt ORD. NO. 76-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried. **ORD. NO. 76-2014 declared adopted**

ORD. NO. 82-2014

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

Mr. Engle moved, Ms. Hanneken seconded to **amend ORD. NO. 82-2014, Section 5** to read as follows: **“... storage facilities, barns, sheds or similar such structures as standalone structures when the chief main building use has been demolished or otherwise removed from the parcel leaving a non-conforming accessory structure.”**

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

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Mr. Engle moved, Ms. Hanneken seconded **to adopt ORD. NO. 82-2014 as amended** and post same according to law.

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

Nays: Tulley

The motion carried. **ORD. NO. 82-2014 declared adopted as amended**

Relative to ORD.NO.82-2014, Council President Engle stated he respects the role of the BZA and thanked BZA member Sue Metzel for her part in the BZA. The City couldn't function without its assistance Mr. Engle stated. Mr. Engle explained he initially proposed Ordinance No. 82-2014 about a year ago to address issues in the future. The ordinance is not meant or was ever meant specifically to the barn. Its happenstance Mr. Engle stated that the ordinance coincides with recent issue. The law department reviewed the ordinance as did the city planner Mr. Engle added.

Councilor Hanneken added that she too respects the role and professionalism of the BZA. In Mrs. Hanneken's opinion the ordinance pertains solely to reasonable policy. This ordinance does not allow a new, non-residential structure to be constructed in a residential zone without the presence of a residential dwelling.

Councilor Molnar supports the rights of every property owner. Residents have the right to use what they own within reason. Mr. Molnar thought the BZA's request for an inspection to be within reason. The safety factor should have been respected. Mr. Molnar said he will be proposing an amendment requiring inspections for that reason.

Councilor Tulley too respects the property rights of homeowners. However she found it strangely coincidental that this ordinance appeared at the time of the barn issue. In the fifteen years she has served publicly she has never received a complaint about the Our Lady of Guadalupe garage that was allowed to remain standing. Ms. Tulley wasn't aware whether or not the garage was brought before the BZA. If it wasn't perhaps it should have been she added. Ms. Tulley's main concern about Ordinance No. 82-2014 is that the law has been changed for one property owner when Macedonia's laws are supposed to be fair and equitable for all residents. Laws are also meant to be enforceable she added. Ms. Tulley also feels this ordinance takes away checks and balances that were created when these types of situation present themselves. Are laws going to be changed for every individual issue she asked? Ms. Tulley agreed with Mr. Molnar in that an inspection should be required Ordinance No. 82-2014 however does not include that requirement

Mayor Kuchta questioned whether the Havlicek's barn gets absolved by Ordinance No. 82-2014.

RES. NO. 84 -2014

Mr. Molnar moved, Mr. Engle seconded to **table indefinitely**, RES. NO. 84-2014: A RESOLUTION EXPRESSIN SUPPORTFOR THE COUNTY OF SUMMIT'S PROPOSED 0.25% ADDITIONAL SALES AND USE TAX, AND URGING THE CITIZENS OF THE CITY OF MACEDONIA TO VOTE YES ON THE ISSUE AT THE NOVEMBER 4, 2014 GENERAL ELECTION

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Roll call: Ayes: Darrow, Engle, Hanneken, Tulley and Molnar
Nays: None
The motion carried. **Res. No. 84-2014 tabled indefinitely.**

ORD. NO. 90-2014

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

ORD. NO. 91-2014

AN EMERGENCY ORDINANCE TO APPROPRIATE FOR STREET PURPOSES CERTAIN FEE SIMPLE INTERESTS AND/OR EASEMENTS IN AND TO THE PREMISES, MORE FULLY DESCRIBED BELOW AND THE PLANS AND SPECIFICATIONS FOR THE PROJECT, ALONG STATE ROUTE 82 TO FACILITATE ITS WIDENING, AND RESURFACING, INCLUDING DRAINAGE IMPROVEMENTS AND TRAFFIC CONTROL SIGNALS, FURTHER IDENTIFIED AS P.I.D. NO. 81656 WITH THE COUNTY/ROUTE/SECTION NO. SUM-SR82-4.65 was **offered** by Mr. Engle and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for its second and third readings**. Second by Ms. Tulley.

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

Mr. Engle moved, Mr. Molnar seconded **to adopt ORD. NO. 91-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried. **ORD. NO. 91-2014 declared adopted**

Regarding ORD.NO.91-2014, Councilor Engle explained that it is the statutory beginning of eminent domain relative to the last phase of the widening of Route 82.

Law Director reiterated that this legislation is the first statutory requirement relative to these types of road projects, that is, when land may be need in order for a road to be widened. The number of properties listed in the ordinance is fluid meaning the list will change as negotiations with property owners for the acquisition of right-of-way is successful. The City is not the negotiator. The negotiator is a private company hired by ODOT. Only those properties with whom the negotiators is not successful move to the level of eminent domain.

Councilor Hanneken is aware this is a process and that it is at the beginning stages but questioned if there is a top level dollar amount associated with the project.

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Mr. Diemert answered that ODOT has given the appraiser full authority to act on his behalf.

Engineer Nick Fini interjected that the right-of-way acquisition is a 80/20 split. The City is responsible for 20 percent of the cost.

ORD. NO. 92-2014

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

ORD. NO. 93-2014

AN ORDINANCE PROVIDING FOR A SENIOR SNOW REMOVAL PROGRAM FOR THE 2014-2015 WINTER SEASON was **offered** by Ms. Darrow for its **first reading by title only**. Second not required

ORD. NO. 94-2014

AN ORDINANCE AMENDING AND SUPPLEMENTING THE 2014 ANNUAL APPROPRIAOTIONS ORDINANCE NO. 26-2014 was **offered** by Ms. Hanneken and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Molnar.

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

Ms. Hanneken moved, Mr. Molnar seconded **to adopt ORD. NO. 94-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar
Nays: None
The motion carried. **ORD. NO. 94-2014 declared adopted.**

Relative to ORD. NO.94-2014, Councilor Hanneken explained that the largest re-appropriation was \$25,000 for repairs to the fire aerial truck. There was also a \$6400 posting to senior center revenue.

MOTIONS OR OTHER LEGISLATIVE ACTIONS

~Ms. Hanneken moved, Mr. Engle seconded authorizing the City to pay the Manor House utilities in support of the LMHS efforts of getting the Manor House listed on the National Registry of places of historical significance.++

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Ms. Tulley move to amend Ms. Hanneken's motion by capping the payment of utilities to One Hundred Dollars (\$100.00) per month as previously discussed among council members during tonight's work session.

Roll call: Ayes: Molnar and Tulley
 Nays: Darrow, Engle, Hanneken
 The motion to amend Ms. Hanneken's motion failed

Regarding Ms. Tulley motion Mr. Molnar stated all of Council had agreed during work session that the amount would be capped and if the bill was over higher \$100 Council would revisit the request.

Ms. Tulley concurred. Everyone in work session heard the discussion but obviously Ms. Tulley stated the word given is not honored out on the floor. The finance chair asked Council to inspect every dollar spent by every department and Ms. Tulley doesn't think this expenditure should be any different. Ms. Tulley applauds everything the LMHS has done but they should be accountable too and that is the reason she requested the cap.

Mr. Engle explained he changed his mind because in 2002 Council authorized the City to continue paying the Manor House's utilities yet the City stopped paying them. Council should start supporting the LMHS and recognize that this private organization has raised enough money to put a \$40,000 roof on this historically significant city-owned building Mr. Engle stated. Mr. Engle opined paying for a sump pump, paying to run a light bulb to turn on and paying for electrical service so restoration can continue is minimal support at a minimal cost. It's time to show support. Mr. Engle is appalled that the donation of \$3,000 worth of windows cannot be installed because there is no electricity and thus the reason he did not support the cap

(++)Roll call on initial motion by Ms. Hanneken to pay utilities for the Manor House:
 Ayes: Darrow, Engle, Hanneken and Molnar (**)
 Nays: Tulley (##)
 The motion passed.

(**) Mr. Molnar reiterated that he supports the restoration of the Manor House and the efforts of the LMHS towards that end but is disappointed that the consensus reached in work session between fellow council members was not respected on the floor.

(##) Ms. Tulley didn't support Ms. Hanneken's motion because it was not what had been agreed upon in work session, which Ms. Tully added didn't really surprise her.

~~Ms. Hanneken moved, Mr. Molnar seconded authorize the expenditure of Fourteen Hundred Dollars (\$1400.00) for the purpose of paying the cost of preliminary geo-tech testing relative to sand accumulation in the Lake Forrest subdivision.

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

CORRESPONDENCE: None.

MAYOR'S REPORT:

“In my tenure as mayor for the past 11 years I have always addressed at least one dilapidated city street and paid for in cash every year. Each of those streets also came in under budget. This is the first year I am unable to keep that streak going in spite of having a \$4.5M carryover when you count our emergency funds into that money. I apologize for your City's failure to respond to your very evident needs. Some of our elected leaders feel it is more important to be prudent than use your tax dollars to improve our streets. It has also been stated that Macedonia should have no problems fixing Macedonia streets in the future. I am asking your help to hold us to that promise. City improvements outweigh political agenda any day.”

COMMITTEE REPORTS

Planning Commission Councilor Darrow reported Planning met on September 15th and considered the following: replacement of existing under-canopy blade signs for Macedonia Commons; an alternation to the cell phone tower alternation for Sprint/Crown Castle at 12417 W. Highland Rd; a zombie stunt jump for Fun n Stuff at 661 E. Highland Rd; construction of patio and seating area for Lake Forrest HOA at Block A, the corner of River Run and Pond Brook and Block B, Whispering Woods, a zoning code change related to accessory structures; the bi-annual Tree Board review; minor revisions to master plan for Nordonia Hills city schools and ground sign for Xtra Lease at 1211 E. Highland Road

DEPARTMENT REPORTS

Service Department Director DeGaetano reported that a letter is being sent to the residents of Blackhawk and Iroquois informing them of what to expect when service crew begin the storm water project in the area. The project, to start in October consists of opening the ditches because the pipes that were previously installed are too small in diameter. Mr. DeGaetano is holding a meeting for the residents on Thursday, October 2 at 6pm to explain to them personally what is going to be done. On Tuesday October 7 at 6pm Mr. DeGaetano announced another meeting for all residents to explain the new automated rubbish/recycling contract. Official from Republic Waste will be present to field questions.

Councilor Darrow asked Mr. DeGaetano if the damage to Migliorini Way and Maureen in the Villas of Taramina was caused by a water main break to which he answered yes. The problem is worsening and there seems to be other problems elsewhere in that area Mr. DeGaetano continued so a meeting has been scheduled tomorrow with the Cleveland Water department to discuss the issue.

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Building Commissioner Mr. Hlad reported there are 33 residential homes under construction, there have been 286 point of sales inspections to date and Macedonia has 20 new businesses. He also reported that the roads in the rental residential subdivision known as the Enclave are and that the footers for the Vista Springs senior facility have been poured. Mr. Hlad mentioned that a new larger Getgo has been proposed in its current location and will be coming to Planning for review. The larger Getgo will compromise at least three parcels, the current Getgo, Days Inn and Dos Coronos Mexican Restaurant. The new concept Getgo will include a restaurant with indoor and outdoor dining.

Councilor Darrow asked Mr. Hlad to confirm if the actual complaint relative to the barn property on Valley View Road was about debris on the property and not the barn to which Mr. Hlad responded he's have to go back to the files. Ms. Darrow also thought the complaint was about a chicken coup not about the three car garage everyone continues to call a barn.

Mr. Hlad interjected the original complaint was anonymous.

Engineer Mr. Fini reported that on September 2, two bids were received out of six bid holders. The low bid was from Burdon Scott, a Geauga County contractor at \$425,000 and the second bid was TriMor who has performed work in the City in the past. The TriMor bid was \$450,000. Both bids were well above engineering's published estimate of \$361,000 Mr. Fini stated.

Councilor Engle asked what should be done now to which Mr. Fini suggested rejecting the bids and moving the projects into next year's road program. Mr. Engle asked if the high bids had anything to do with Council's action to which Mr. Fini responded the September bid date was late in the season. Typically and historically, bids are in the winter or spring for summer and fall work. The contractor's feedback Mr. Fini stated was that there was uncertainty during the pre proposal process. During previous projects the City has had twice as many bid holders he said. As examples he explained there were five proposals for the 2012 road project. There were six proposals for the Shepard Hills project. And there were at least nine for the S Freeway drive project. Better competition brings better pricing Mr. Fini added

Mayor Kuchta said some good may come of this. Next year there will be two additional roads meaning four roads will bring a good price he added.

Councilor Hanneken stated she reviewed other times the City went out for bids. The City did not do any road projects in 2009 and 2010 that were not already funded in the previous year because of the economy. The timetable this year was such that there was enough time to have bids for this year's projects earlier than they were. Council authorized funding the projects on June 12. The bids didn't open however until September 2. Ms. Hanneken said it is unknown to her whether the engineers' estimate was too high or too low. Ms. Hanneken feels the project should be rebid and that engineering should re-examine project costs. Ms. Hanneken questioned whether a definitive list of full-depth repairs was included in the bid package.

Mr. Fini answered that the full-depth repairs were not included. Specifications could include the list of repairs or the specs could include a specific quantity to be used at the service director's discretion. The

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prices were in line historically Mr. Fini stated. Regarding authorization being granted in June, engineering was not authorized to prepare the bids specs until mid July he added.

Councilor Hanneken told Mr. Fini that was untrue to which Mr. Fini reiterated he did not have a purchase order until mid July and could not proceed with preparing the specs until then. Ms. Hanneken's response was that was an administrative issue, not hers.

Councilor Darrow questioned Mr. Fini whether engineering does not have an estimate on how much material like asphalt is going to be needed for a project.

Mr. Fini explained road estimates based are based on bid histories, market conditions, labor and material. Bid history is extensive and includes examining Macedonia projects, ODOT projects and projects GPD has estimated for other clients.

Councilor Darrow stated that in her own business dealings software is used to estimate projects for customers. In her experience she knows exactly how much a project will cost because she can price out materials from Lowe's or Home Depot. GPD therefore should be able to know the exact cost of a project when it comes to the City. Ms. Darrow wondered why all of a sudden then this bid came in so high, why the contractors jacked up the prices.

Mr. Fini responded that he doesn't have a crystal ball. Some material costs are volatile. He cannot predict how much the price of oil is going to be next month, a factor in the asphalt business. GPD has been pretty accurate with these types of road projects Mr. Fini stated. Mr. Fini feels the City received high bids because the timing of the bidding.

Councilor Hanneken interjected the Shepard Hills project was underestimated. There were additional, unexpected costs associated with the project. Ms. Hanneken feels engineering should re-examine this year's road estimate to determine why it's off from the two bids the City received. Ms. Hanneken would like the project to be re-bid but at the very minimum the City should proceed with the full-depth repairs.

Mayor Kuchta interjected that Shepard Hills was not under bid. The cost difference was because the City had to pay for right-a-way it didn't anticipate after Ms. Hanneken told a property owner her lot was going to flood; the property owner wouldn't allow the City on her lot.

Councilor Hanneken denied Mayor Kuchta's comments.

Councilor Tulley added the bottom line is the bids came in too high, higher than the law allows the City to accept. Would it be prudent to bid again now or to wait she asked Mr. Fini to which he answered if the City intends adding the 2014 road projects to the 2015 projects, than he suggested the earlier the better. Mr. Fini added the South Freeway Drive project was bid in December 2008 for 2009 construction. The Shepard Hills project in September 2011 for 2011 and 2012 construction. The bid for the 2012 road project was in June and the bid opening for S. Bedford Road in 2013 was in May of that year. Accepting bids when contractors aren't working locks in works for them and good prices for the City

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Recreation Department Ms. Gmerek was not present.

Finance Department

Fire Department Chief Black reported the City received another fire service grant in the amount of \$39,000 for turn-out gear. This will be part of capital requests for 2015. The order will be this year for delivery next year.

Police Department Chief Golden mentioned the department's Facebook page has been updated. Chief Golden also reported that under Macedonia new K-9 program Officer Shawn Hathaway will be partnering with Haro, the ne canine officer. The purchase and maintenance of Haro is donation based. An account has been established for that express purpose he added.

Law Department Mr. Diemert had no report.

Unfinished business None.

New business Councilor Hanneken mentioned that 9/11 was a very significant day for her personally. Ms. Hanneken was in Washington D. C a quarter of a mile from the Pentagon where two of her colleagues and friends, Lt. Colonel Gary Smith and Master Sergeant Max Bucky (sp?) lost their lives and are now buried. Ms. Hanneken is wearing a pin she said that everyone received who attended the memorial services for the lives lost at the Pentagon. Ms. Hanneken witnessed a lot of sadness and weeping by parents, children and the many officials who where there that day. It's been a longtime since that day Ms. Hanneken stated but that day has not been forgotten nor does anyone believe this is over yet.

EXECUTIVE SESSION

At 9:25pm Ms. Tulley moved, Mr. Molnar seconded to adjourn into an Executive Session for the purpose of discussing matters relating to Personnel. [HR administer Betsy McCafferty attended the session]

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

At 9:49pm Council reconvened and there being no further business, the meeting adjourned at 9:50pm.