

Record of Proceedings
Regular Council Meeting
November 13, 2014

Presiding Officer, Mayor Donald Kuchta called the November 13 meeting of Macedonia City Council to order at 7:35pm.

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 Councilor Janet Tulley. In honor of Veterans Day (November 11) Ms. Tulley recognized veterans serving in each branch of the military in the numerous military campaigns since WWII

MINUTES Ms. Tulley moved, Mr. Engle seconded to approve the minutes of the regular meetings of September 11, September 25 and October 9, 2014 as submitted by the clerk of council..

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

RECOGNATIONS Mayor Kuchta recognized Shirley Kaiser, a Nordonia Hills resident for her years of community service and volunteerism during her lifetime and for being the founder of the Concert the Park series that entertained the community for seventeen years. Mr. Paul Kaiser and his two daughters were present to receive the plaque in recognition of Ms. Kaiser who passed earlier in the year. Mayor Kuchta also recognized Tom Rohde, Macedonia Service Department employee and City Arborist for continuing his education in tree horticulture and for successfully completing the Tree Commission Academy.

PUBLIC COMMENTS

Roy Metzel, Smokerise Drive questioned the reason the recording of the October 23 council meeting normally viewable from the City's website was not on the website to which Mayor Kuchta explained human error was the reason. The Mayor further explained the incorrect disc was inadvertently sent to the web provided but no one unfortunately noticed it was the wrong disc. The situation has since been remedied Mayor Kuchta stated. Mr. Metzel also questioned whether the Charter Review Commission meetings starting in November are opened to the public to which he was advised that they are.

Regarding another matter resident Barb Dlugoz, Valley View Road stated during the October 23 meeting she addressed Council about the importance of the Mayor's driveway being plowed so as the executive of the city he's available at all time in cases of emergencies. In speaking to this Ms. Dlugoz said she mentioned her daughter's fatal accident which when stated a certain member of council thought funny. Council should be attentive to residents when they are speaking Ms. Dlugoz stated. And Council should treat, respect and represent residents equally she added. Council is paid to listen to residents; this is not a social hour Ms. Dlugoz added

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

ORD. NO. 105 -2014

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

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

Ms. Tulley moved, Mr. Engle seconded **to adopt ORD. NO. 105-2014** and post same according to law.

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

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The motion passed. **ORD. NO. 105--2014 declared adopted.**

ORD. NO. 106 -2014

AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT BY THE MAYOR OF JOSEPH VARGA TO POSITION OF PART-TIME FIREFIGHTER 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 for all three readings**. Second by Ms Tulley.

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

Ms. Hanneken moved, Ms. Tulley seconded **to adopt ORD. NO. 106-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **ORD. NO. 106-2014 declared adopted**

ORD. NO. 107-2014

AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT BY THE MAYOR OF DAVID SPRAGGINS TO POSITION OF PART-TIME FIREFIGHTER was **offered** by Ms. Darrow and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title for all three readings**. Second by Mr, Engle.

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

Ms. Darrow moved, Mr. Engle seconded **to adopt ORD. NO. 107-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **ORD. NO. 107-2014 declared adopted**

ORD. NO. 108 -2014

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COBRA COMPLIANCE ADMINISTRATIVE SERVICE AGREEMENT WITH CONTINUED CARE ADMINISTRATORS, INC, FOR THE YEAR 2015 WITH REGARD TO ALL ELIGIBLE CITY OF CITY MACEDONIA EMPLOYEES was **offered** by Mr. Molnar and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title for all three readings**. Second by Ms. Tulley.

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

Mr., Molnar moved, Ms. Tulley seconded **to adopt ORD. NO. 108-2014**, and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **ORD. NO. 108-2014 declared adopted**

ORD. NO. 109 -2014

AN ORDINANCE AMENDING CODIFIED ORDINANCE 161.20 CONCERNING EMPLOYEE HEALTH CARE FOR THE CITY OF MACEDONIA, OHIO, AND SPECIFICALLY IN REGARD TO PART-TIME EMPLOYEES IN ORDER TO BE IN COMFORMANCE WITH THE AFFORDABLE HEALTH CARE ACT 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 for all three readings**. Second by Ms. Darrow.

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

Mr., Engle moved, Ms. Darrow seconded **to adopt ORD. NO. 109-2014** and post same according to law.

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

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Nays: None.

The motion passed. **ORD. NO. 109-2014 declared adopted**

ORD. NO. 110 -2014

AN EMERGENCY ORDINANCE TO APPROPRIATE FOR STREET PURPOSES CERTAIN FEE SIMPLE INTERESTS AND EASEMENTS IN AND TO VARIOUS PREMISES ALONG SOUTH FREEWAY DRIVE AND STATE ROUTE 82 TO FACILITATE THE I-271 NORTHBOUND ENTRANCE RAMP RELOCATION FROM STATE ROUTE 82 TO CONNECT WITH A NEW RAMP FROM SOUTH FREEWAY DRIVE; TO WIDEN STATE ROUTE 82 TO INSTALL A SIXTH LANE BETWEEN MACEDONIA COMMONS BOULEVARD AND THE OVERHEAD RAILROAD BRIDGE WITH THE ADDITIONAL LANE SERVING AS A LEFT TURN, WITH THE EXISTING LEFT TURN LANES FROM STATE ROUTE 82 TO SOUTH FREEWAY DRIVE AND MACEDONIA COMMONS TO BE LENGTHENED, ALL PROVIDING ACCESS TO A NEW I-271 NORTHBOUND ENTRANCE RAMP OFF OF SOUTH FREEWAY DRIVE, ALTOGETHER WITH THE NECESSARY APPURTENANCES THERETO FURTHER IDENTIFIED AS P.I.D. NO. 97084 WITH THE COUNTY/ROUTE/SECTION NO. SUM-271-12.65. ACT was **offered** by Ms. Tulley and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title for all three readings**. Second by Mr. Molnar.

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

Ms. Tulley moved, Mr. Molnar seconded **to adopt ORD. NO. 110-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **ORD. NO. 110-2014 declared adopted**

ORD. NO. 111 – 2014

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM UNENCUMBERED FUND BALANCE TO PROVIDE FOR CURRENT EXPENSES OF THE CITY OF MACEDONIA, AND AUTHORIZING THE TRANSFERS OF TIF RECEIPTS TO THE FINANCIAL FUND was **offered** by Ms. Hanneken for its **first reading by title only**. Second not required.

ORD. NO. 112 – 2014

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM UNENCUMBERED FUND BALANCE TO PROVIDE FOR CURRENT EXPENSES OF THE CITY OF MACEDONIA, AND AUTHORIZING THE TRANSFERS OF FUNDS WITHIN THE RECREATION DEPARTMENT 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 for all three readings**. Second by Mr. Engle.

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

Ms. Hanneken moved, Ms. Darrow seconded to **amend** ORD. NO. 112-2014 by deleting only the following line items from Section 2.

From Account No	To Account No,	Amount
Unencumbered Fund Balance	401-150-5340 Legal Fees	\$75,000.00
Unencumbered Fund Balance	401-222-5900 Fire Department Communication upgrade between Rec Center and City Center	\$14,000.00

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

Ms. Hanneken moved, Mr. Engle seconded **to adopt ORD. NO. 112-2014 as amended** and post same according to law.

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

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Nays: None.

The motion passed. **ORD. NO. 112-2014 declared adopted as amended**

ORD. NO. 113 – 2014

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM WITHIN THE POLICE DEPARTMENT BUDGET TO PROVIDE FOR CURRENT POLICE DEPARTMENT EXPENSES OF THE CITY OF MACEDONIA 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 for all three readings**. Second by Mr. Engle.

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

Ms. Hanneken moved, Mr. Engle seconded **to adopt ORD. NO. 113-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **ORD. NO. 113-2014 declared adopted**

ORD. NO. 114 – 2014

AN ORDINANCE AUTHORIZING THE TRANSFER OF THE OHIO BUREAU OF WORKERS' COMPENSATION REFUND FROM SAFETY INITIATIVES REVENUE TO SAFETY INITIATIVES was **offered** by Ms. Tulley and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title for all three readings**. Second by Mr. Molnar.

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

Ms. Tulley moved, Mr. Engle seconded **to adopt ORD. NO. 114-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **ORD. NO. 114-2014 declared adopted**

Relative to ORD. NO. 114-2014, HR Personnel Administer Betsy McCafferty explained that Macedonia received two checks from the Bureau of Workers' Compensation totaling about \$95,000. The funds received were in part from a statewide rebate issued to all eligible employers and from a refund Macedonia received for providing safety programming for employees. The revenue from the BWC refund is being reinvested by using it in various departments for specific safety related items Ms. McCafferty added.

ORD. NO. 115 – 2014

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE SUMMIT COUNTY PUBLIC DEFENDER'S COMMISSION FOR THE REPRESENTATION OF INDIGENT PERSONS CHARGED WITH VIOLATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA 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 for all three readings**. Second by Ms. Tulley.

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

Mr. Engle moved, Ms. Tulley seconded **to adopt ORD. NO. 115-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **ORD. NO. 115-2014 declared adopted**

Relative to ORD. NO. 115-2014, Council President Engle explained Macedonia's annual agreement is required by the Ohio Constitution in order to provide legal representation to and for individuals violating

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local laws and who otherwise could not afford legal counsel. The cost per case of \$170 represents an increase of \$10. The rate has not increased in eight years. The number of cases varies from year to year, the average however is 10.

ORD. NO. 116-2014

AN ORDINANCE PROVIDING FOR THE 2015 ANNUAL APPROPRIATIONS was **offered** by Ms. Hanneken for its **first reading by title only**. Second not required.

ORD. NO. 117-2014

AN ORDINANCE ESTABLISHING THE PAY RANGE SCHEDULE OF COMPENSATION FOR THE EMPLOYEES OF MACEDONIA EFFECTIVE JANUARY 1, 2015 was **offered** by Ms. Hanneken for its **first reading by title only**. Second not required.

RES. NO. 118 – 2014

A RESOLUTION ACKNOWLEDGING DEDICATION OF PUBLIC SERVICE BY CHARLES (CHUCK) KOZELKA was **offered** by Ms. Darrow and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title for all three readings**. Second by Mr. Engle.

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

Ms. Darrow moved, Mr. Engle seconded **to adopt RES. NO. 118-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **RES. NO. 118-2014 declared adopted**

Relative to RES. NO. 118-2014, Councilor Darrow announced that Mr. Kozelka serve the community for 55 years, 27 of which were as an officer in the Macedonia Police Department. Mr. Kozelka was an auxiliary police officer as early as age 18. Mr. Kozelka served on various committees and commissions including the Civil Service Commission, the Charter Review Commission, twice, the Tax Abatement Board and the Assessment Equalization Board relative to a major road project. Mr. Kozelka helped to set-up Macedonia's dispatch center, helped in the certification of Macedonia's jail and wrote policy and procedures relative to functions of the police department.

ORD. NO. 119 -2014

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GEO-SCI INCORPORATED IN ORDER TO OBTAIN PAVEMENT CORES FROM VARIOUS STREETS WITHIN THE CITY OF MACEDONIA IN ORDER TO PREPARE A ROADWAY CAPITAL PLAN FOR THE 2015 STREET IMPROVEMENT PROGRAM was **offered** by Mr. Molnar and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title for all three readings**. Second by Ms. Tulley.

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

Mr. Molnar moved, Ms. Tulley seconded **to adopt ORD. NO. 119-2014** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
Nays: None.
The motion passed. **ORD. NO. 119-2014 declared adopted**

Relative to ORD. NO. 119-2014, Engineer Fini explained that core samples will be taken from the list of roads that follow in an effort to determine the extent of repairs needed on each street. Sampling determines pavement composition and thickness which helps determine the best method of restoration. The sampling is in preparation of the 2015 road repair program he added. The list of roads include Blueberry, Barkdale, Brookdale, Bonnie, Bruce, Bradford, Meadowlawn, Roseland, Driftwood, Waters Drive, Foxhill, Newport, Robin and Summer.

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Councilor Hanneken interjected core sampling benefits the road program in that after a determination has been made it might be that even more roads can be repaired.

MOTIONS OR OTHER LEGISLATIVE ACTIONS None

CORRESPONDENCE: Email from Dan Yurman, 9188 Tanglewood Road, Macedonia, Ohio commending Service Director DeGaetano and service department for fixing the road problems on Tanglewood.

MAYOR'S REPORT:

“I would like to compliment Casey Wright and Nordonia High School for the wonderful tribute they paid to our veterans, in an outstanding ceremony on Tuesday at 8 am.

We witnessed not only their great band and choral group, but also a flag folding ceremony and a P.O.W demonstration. I saw many familiar faces among those being honored. I also was present for a record number of certificates passed out at Summit Point among the residents living there. It was a fitting ceremony honoring the veterans. The numbers of veterans surviving from World War II and Viet Nam drops drastically every year as they age so it is nice to see them getting the recognition they deserve at this point in their lives. I have been told that over 500 veterans of those wars a day are dying.

The City is producing a newsletter for our employees. The letter is full of everything from needed information, to praise for a job well done. I would like to thank Betsy McCafferty our Human Resorce agent for the City for going through the effort of producing this valuable tool for our employees.

Tomorrow is a big day for Nordonia High School. The Nordonia Knights football team, under the guidance of Coach Jeff Fox, is taking their 11 wins and no loss record up against Perrysburg at Cedar Point Stadium in Sandusky. This game will determine which of them moves on in their quest to be State Champion in their division. I plan on being there cheering them on. I have missed only 3 games this season and am a big fan of theirs.

At 5 am tomorrow morning, the Nordonia Marching Band, under the direction of Director Tom Weaver, will be leaving to compete in the Bands of America Grand National Finals in Indianapolis. This is the first time we are going to the Nationals in 34 years! 90 bands from all over the country will be performing to be judged as the best of the best in the U.S.A.. Recently, at the Ohio Music Educators Association competition in Columbus, our band received a perfect score from nine judges! I hope you all join me in keeping our fingers crossed for these above par students representing us tomorrow in so many different ways.

Go Knights!

I just received word at about 4 pm today that we are going to get over a half of a million dollars worth of rehabilitation done ASAP to the Ledge Road Bridge. Stone will be removed and replaced with concrete slabs, girders will be re-enforced, the bridge will be inspected twice a week, and the City is getting back the money we expended for the lights. We will then embark on a joint venture with the railroad to find funding for a new bridge.

All of this was accomplished in less than 2 weeks! We won! Norfolk Southern is stepping up to the plate to make the bridge over Ledge Road safer!

I would like to personally thank our Law Director Joe Diemert for an outstanding job of negotiating and bringing resolution on behalf of the City of Macedonia.

And lastly, I'd like to congratulate the Longwood Manor Historical Society and their accomplishment relative to the placement of the Manor House on the National Registry of Historic Places.”

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COMITTEE REPORTS

Planning Commission Ms. Darrow reported Planning will hold a public hearing November 17 at 5:15pm relative to GetGo at Highland and Route 8 for a conditional use permit pertaining to outdoor storage/display. Planning's regular meeting will immediately follow. Discussion items relative to the regular meeting include GetGo's conditional use permit; GetGo's site plan approval; a site plan adjustment for retail plaza, 463 E. Aurora Rd; a sign face change for to Steak N Shake, 997 E. Aurora Rd; a new building, 355 Ledge Rd and signage for Charming Charlie's, 8210 Macedonia Commons Blvd.

Charter Review Commission Mr. Engle announced that the first organizational meeting of Charter Review Commission is Wednesday, November 19 at 6:30pm.

Longwood Manor Historical Society Mr. Engle announced the dedication and unveiling of the plaque from the National Registry of Historic Places recognizing the Longwood Manor and Farm as being a significant historic property is being held Sunday, November 16 at the Recreation Center from 2-4pm. The Nordonia Hills Community Choir will be providing entertainment.

JEDD Mayor Kuchta reported the JEDD Board met to address several issues: The failing catch basin at the entrance of The Crossings at Golden Link which the Board approved repairs to be made by an outside contractor, the disbursement of income revenue, the finalized amendment relative to the footprint of the JEDD and the mound within the Conservancy. Regarding the mound Mayor Kuchta stated it is causing some consternation in that a certain species of weeds the Army Corp of Engineers expects to be thriving on the mound are not.

Finance Committee Ms. Hanneken announced a finance meeting has been scheduled for Thursday, December 4 at 7pm the purpose for which will be the final adjustments to the 2015 Annual Appropriations. Ms Hanneken asked that any adjustments to the appropriations to submitted to her by December 1. Ms. Hanneken announced income tax revenue is stronger than expected and therefore the City will be able to invest more significantly in road repairs and replacements as well as pay the City's share of the relocated interstate ramp relocation. Ms. Hanneken also anticipates numerous storm water projects will be completed next year.

DEPARTMENT REPORTS

Service Department Director DeGaetano reported that the leaf removal program had a difficult start this year due to equipment failures. The longest running machine is 18-years old. Another machine is 12 years and the newest machine had a design flaw which took it out of service. Mr. DeGaetano is contracting an outside service to help the program catch-up as the goal is to complete the program by the week of Thanksgiving. Some years the mark is met, some years it is not he added but what is left will be collected in the spring. Regarding another matter, Mr. DeGaetano mentioned that in years past the City received grants from the County the funds of which were used to help Macedonia's low income senior citizen population with such programs as gutter cleaning. Recently the service department has received numerous calls from senior requesting help with cleaning their gutters but there is presently no funding available. Mr. DeGaetano estimates his crew could perform the task for about \$7200 over a period of two week-ends if funding were appropriated.

Councilor Hanneken asked Mr. DeGaetano how many quotes were received relative to the leaf collection program to which he responded three and 3 Z's Landscaping was the cheapest. Ms. Hanneken asked if contracting the program was going to continue going forward to which Mr. DeGaetano only responded for the program to continue new equipment is needed. Ms. Hanneken's concern she added is that the newest machine failed to which Mr. DeGaetano reiterated a design flaw was an issue which the manufacturer acknowledged.

Councilor Darrow mentioned that she contacted Our Lady of Guadalupe Church regarding students cleaning gutters for Macedonia's seniors as many of the students need service hours and she thought both sides could benefit. St. Barnabas School officials declined having their students clean gutters although leaf raking would be permitted Ms. Darrow added.

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Mr. DeGaetano's response was that his concern would be liability issues. Service department employees are insured and experienced.

Building Commissioner Mr. Hlad reported the GetGo is returning to the Planning Commission as Ms. Darrow reported because the design concept did not meet Macedonia's Town Center concept. The newest concept does however. Mr. Hlad reported also a hotel chain has approached the City regarding the property behind the Girl Scout building. There is no other information about the hotel at this time. Lastly, Mr. Hlad reported that building department's revenue receipts have exceeded receipts from last year at this time.

Councilor Darrow questioned if the Town Center concept is applicable at the intersection of Highland and Route 8 to which Mr. Hlad responded that it is. Mr. Hlad explained that all new structures are required to adhere to Town Center architectural standards.

Mayor Kuchta interjected that the Town Center concept is not required until a structure built prior to the concept was adopted is renovated/remodeled.. Case in point Mayor Kuchta stated is Taco Bell's signature design remained the same until it was remodeled. Thereafter the design concept had to conform to the Town Center architectural design standards.

Engineer Mr. Fini reported the I271 Bridge over the Ledge Road Bridge is scheduled for demolition between the dates of December 22-31. North and South Freeway Drives will be closed during this period. Detours will be posted in advance. The water line relocation on Freeway Drive north of Ledge Road is pending approval by Cleveland Water so ODOT has no definitive date in this regard. Ledge Road will be closed again during the relocation. Mr. Fini announced that the City received the evaluation the creek bed sand sediment in the Lake Forrest subdivision from Solar Testing Laboratories, Inc., a copy of which has been forwarded to Council.

Recreation Department Ms. Gmerek announced that the Recreation Center will be closed Thanksgiving Day but will be opened the day after. Other announcements included registration for the Manaray swim team opens December 1. Dinner with Santa is Saturday, December 6 at 5:30pm. Reservations are required and there is a cost as it is a catered event. Santa arrives by fire truck that evening Ms. Gmerek added

Finance Department

Fire Department Lt. Ripley, in Chief Black's absence thanked the Mayor and Council for approving the final appointments of the part-time Firefighters Varga and Spraggins. Lt. Ripley reported the Halloween party for Macedonia children held October 26 and sponsored by the Macedonia Firefighter Association was successful as was the association's Sausage and Pancake breakfast where 450 were served. Lt Ripley announce the annual Santa Gift Delivery program is over a there three day period of December 15, 16 and 17.

Police Department Lt. Vince Yakopovich. in Chief Golden's absence reminded residents that it is their responsibility to keep piles of leaves out of the street.

Law Department Mr. Diemert reported that it has been over one year that the law department has been working to resolve the situation of the Ledge Road Bridge because of damages caused by debris falling from the rails. Little has come from the threats Mr. Diemert stated until a lawsuit was filed two weeks ago. The law suit caused the issue to be forwarded immediately to the national officials for Norfolk Southern, their general counsel and chief engineers. Mr. Diemert feels the agreed upon settlement that has resulted is reasonable and beneficial to Macedonia residents as well as the traveling public who use Ledge Road daily. Regarding the law department expenses Mr. Diemert said the law department has not been paid since the middle of September. Council's actions this evening of removing appropriations for the law department creates a situation where it will be three months before the law department is paid for the services it has rendered. There are more than sufficient funds in the general fund to cover the legal department Mr. Diemert stated. Council should be aware that the law department drafts legislation, it drafts contracts or reviews, approves or modifies them. Every department uses the law department only a daily relative to the functions of each respective department. The law department is also used by Macedonia's various boards and commissions. Mr. Diemert stated the law department has not been paid for ODOT projects, the I271 ramp project and the Phase 3 widening of Route 82. Mr. Diemert explained that many of the functions and duties of the law department are mandated by State of Ohio and the

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Charter of Macedonia. The ODOT projects are examples. Whatever the vindictiveness is Mr. Diemert stated is not going to prevent the law department from doing its job. The law department will continue to battle the cases that need to be battled and advise each department. The actions by the majority of Council however are inappropriate, unfair and illegal for not providing the funding which provides the services the law department is obligated to perform. Macedonia's Charter has been in place for many years Mr. Diemert stated. The position of law director has been in place for many years. Mr. Diemert added that whoever sits in the position of law director takes an oath of office. Mr. Diemert asked the majority of Council to consider his request otherwise the law department will have to do what is necessary he added. Macedonia taxpayers are entitled to service from the law department Mr. Diemert stated. And the taxpayers will continue to receive service from the law department but Council and the administration must provide funding for those services he added. Mr. Diemert mentioned a letter he provided Council in March of this year which detailed for Council the Constitution of the State of Ohio, and all the statutes and case law illustrating funding for mandated services as required by the Charter. Council would be in violation of the Charter if it refused pay for snow removal or police and fire protection Mr. Diemert stated. Council is equally in violation by not paying the law department. The situation is critical in that the next meeting of Council is not until December Mr. Diemert stated. This means he added that at this point, part of September billings, all of October and November will not be paid.

Unfinished business Councilor Molnar stated that after reviewing a storm water issue in the Lake Forrest subdivision and conferring with Messer's Hlad and Fini Mr. Molnar will be seeking a \$3,000 commitment to prepare all the necessary documents entitling Macedonia to take responsibility for the headwall on a homeowner's property.

Councilor Darrow asked Mr. Molnar the name of property owner because she will not make any decision on the matter before knowing who they are to which Mr. Molnar responded it is the resident who came before Council asking for help in this matter.

Regarding another matter, Councilor Tulley reminded residents that under the new refuse collection contract two containers per household will be delivered to each household next week. Residents were mailed informational letters by the refuse company explaining the same. The letter also explained that residents' normal collection day would remain the same. Any issues about the new program, particularly because of the new containers will be fielded by the Mayor's office as well as the service department Ms. Tulley stated. Pertaining to the suspension of Finance Director Svab who is on paid administration leave, Ms. Tulley said Council had authorized an independent investigation because of criminal, ethical and administrative violations brought forth in allegations against Mr. Svab. Ms. Tulley said it is now over 30-days since that authorization was given and no action has been taken in choosing an investigator. Ms. Tulley presented four names of individuals who could perform this task, none of whom she knew personally. Two of the names came to Ms. Tulley she explained through the Employer Resource Council which deals in employee law. The other two candidates were recommended to Ms. Tulley by the Geauga County Prosecutor. Ms. Tulley wants resolution to this matter and asked that an investigator be chosen from the list no later than Monday. Ms. Tulley stated it is unconscionable to her that an employee to be paid to stay home and it is unconscionable as well for these allegations to be hanging over Mr. Svab's head.

Councilor Hanneken interjected that we forwarded the criminal allegations against the Mayor and Finance Director Svab to the Ohio Attorney General. Ms. Hanneken said she also contacted the Ohio Ethics Commission because that is where she believes these matters belong. Ms. Hanneken feels the discussion on this should have been held during work session,

Councilor Tulley told Ms. Hanneken that Ms. Tulley were made openly on the floor because Ms. Hanneken sent the information to the Ohio Ethics Commission unbeknownst to the other members of Council and because the Ethics Commission may not deal with employee issues. Employee law is different matter that should be handled by expertise in that area. In the private sector in which she works Ms. Tulley said allegations such as the insinuation of threats and sexual harassment would be taken very seriously. Ms. Tulley is baffled why these allegations are not.

Council President Engle explained one of the reasons for the delay is that there were certain counties members of Council did not want the investigator to be from including Cuyahoga County which several of the individuals Ms. Tulley suggested are.

Record of Proceedings

Regular Council Meeting

November 13, 2014

Councilor Molnar interjected that it is important to remember there are three separate issues to this matter: criminal, ethical and administrative. The administrative issue should not be skirted Mr. Molnar stated. Some members of Council have indicated through their emails that they continue to openly work with Mr. Svab though is on administrative leave and though Mr. Svab has been advised he is not permitted to work on city business. The fact that members of Council continue to interact with Mr. Svab is a troublesome to Mr. Molnar. Mr. Molnar said Ms. Hanneken criticized him for missing a finance meeting, the same evening Mr. Molnar with the Summit County Sheriff filing a report because of actions by Mr. Svab. Mr. Molnar relayed that several years ago he decided to pursue a career in public works. To that end Mr. Molnar said he took classes; a civil service exam for a position in a municipality, scored in the top ten and after one year and three interviews was hired in a public works position. Mr. Molnar stated that two weeks before Mr. Svab was fired he said to Mr. Molnar, "I heard someone pulled your files in the city you're working. Mr. Molnar asked him what that was supposed to mean to which Mr. Svab responded, "Well Diemert pulled mine, someone pulled yours." Mr. Molnar thought the conversation odd at the time. However, the day after Mr. Svab was released from Macedonia there was an anonymous request for Mr. Molnar's personnel file. Mr. Svab was also in the city hall of the community where Mr. Molnar works that same day. Mr. Svab has been in the city hall ten times since then disturbing city business where Mr. Molnar works. Mr. Molnar stated Mr. Svab also called all Mr. Molnar's references. One of the references Mr. Svab called asked Mr. Svab, "Why are you going after Nick, the Mayor fired you?" Mr. Svab's response to the reference was, "Nick's going after me, I'm going after him." Mr. Molnar stated is major concern about Mr. Svab's actions is the safety of his family, his two young children and Mr. Molnar's livelihood because of the allegations against Mr. Svab. Mr. Molnar now wants Mr. Svab's action known publicly. Mr. Molnar questioned, "Is it appropriate for some members of Council continue to work with Mr. Svab when he is on administrative leave? It is appropriate for Mr. Svab is being paid while on administrative leave? Is it appropriate for members of Council to refuse to pay the law director or monies are being cut from the clerk of council's wages which no one wants to talk about? Every department head wrote the finance chair that the 2015 budget is not correct. In this evening's work session, Mr. Molnar suggested that the budget shouldn't even be read for its first reading because it's incorrect. Ms. Hanneken mentioned all amendments that have to be made but for some reason there is a big push to rush the 2015 budget though. Why, Mr. Molnar asked?

Councilor Darrow told Mr. Molnar, "Nick, I will answer your emails if you respect us and stop calling us the three amigos. I'll answer anything but will not if calling me a three amigo. Just so you know, when you decide to be decent, talking decent to us I will respond. But I will not respond if you refer to me as an amigo."

New business None

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