

Record of Proceedings

Regular Council Meeting

May 14, 2015

Presiding Officer, Mayor Donald Kuchta called the May 14 regular meeting to order at 7:33pm.

**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 Darrow

**INVOCATION** was led by Councilor Janet Tulley

**PUBLIC COMMENTS**

Susan Belt, Macedonia resident announced that the Nordonia Hills Community Choir is presenting a free Memorial Day concert Saturday May 23 at 7:30pm entitled "Pride of America" The concert is being held at the United Methodist Church, 1280 E. Aurora Road, Macedonia. The concert will include chorus, band and presentation of the colors by American Legion Post 801 as well as a sing-a-long. Ms. Belt mentioned Memorial Day was commemorated as a national holiday in 1971 by Act of Congress to ensure that the sacrifices of American heroes are never to be forgotten. Ms. Belt encouraged everyone to come, honor and enjoy the free event on May 23<sup>rd</sup>.

Kathy Loya, 9186 N. Bedford Road resident thanked Councilor Molnar for visiting the Loya property on April 30<sup>th</sup>. Ms. Loya provided photos of the creek behind the Loya's home illustrating erosion to the creek caused by increased water run-off from Ledge Road and I271. The creek to which Ms Loya refers serves as a tributary to Indian Creek. Ms. Loya questioned what can be done to prevent further erosion to her property and those of her neighbors and who is responsible for maintaining the creek because this problem is not going away.

Mayor Kuchta stated the City is only able to remove blockages obstructing water flow. The City however is not responsible for maintenance. NEORS D was to be involved in its maintenance but that unfortunately changed when the lawsuit ensued.

Councilor Hanneken interjected that Ledge Road residents have the same concern because the widening of I271 is increasing run-off. Ms. Hanneken learned from Engineer Fini that ODOT is not required to mitigate run-off caused by these additional hard surfaces, which is irresponsible in her opinion.

Councilor Molnar stated the water problem on Loya's property and those of the neighbors is major. The Ledge Road properties are the same. Mr. Molnar was shocked by the deterioration to Ledge Road driveways. Many are undermined and on verge of collapsing. Something has to be done soon Mr. Molnar stated and for that reason has asked engineering to develop proposals to alleviate run-off damage. Mr. Molnar added he was surprised to see there was only an eight inch water pipe jutting from the bridge overpass.

Nancy Klatt, 9176 N. Bedford Road resident reiterated Ms. Loya's comments. Ms. Klatt added that the creek behind her home has doubled in size. She has lost a substantial amount of property to erosion since she purchased her home. Ms. Klatt mentioned she has three sump pumps to help keep her home from flooding.

Scott Robins, 9196 N. Bedford Road resident has the same issues as the Loya's and Ms. Klatt. Mr. Robins mentioned he has lived in his home for 23 years and for years was able to mow all the way to the creek. Now he said his back has property eroded away and what is there is mud.

Councilor Tulley interjected that the quadrant of N. Bedford Road and Ledge Road area was the second item on the list of priorities created by the Drainage and Sewer Control Committee.

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**PENDING &/OR NEW LEGISLATION**

**RES. NO. 36 -2015**

Ms. Hanneken moved, Ms. Darrow seconded for **RES. NO. 36 -2015: A RESOLUTION APPROVING THE MAYOR'S REMOVAL OF SCOTT SVAB AS DIRECTOR OF FINANCE to remain at its first reading** [First Rdg: 3-12-15; 3-26-15; 4-9-15; 4-23-15]. [Per Law Director Diemert roll call not necessary]

**ORD. NO. 38-2015**

Ms. Hanneken moved, Ms. Darrow seconded for **ORD. NO. 38-2015: AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ADOPT A REVISED RECORDS POLICY to remain at second reading** [First Rdg: 3-12-15; 3-26-15; 4-9-15; Second Rdg: 4-23-15] [Per Law Director Diemert roll call not necessary]

**ORD. NO. 47-2015**

AN EMERGENCY ORDINANCE REPLACING THE EXISTING MACEDONIA OCCUPANCY PROGRAM ADOPTED BY ORDINANCE NO. 108-2007, AND AMENDED BY ORDINANCE NO. 81-2009, AND REPLACING IT WITH NEW CHAPTER 191, TO BE KNOWN AS THE "MACDEDONIA OCCUPANCY AND JOBS CREATION PROGRAM" (MOJCP) 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. Darrow.

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

Mr. Engle moved, Ms. Hanneken seconded to **adopt ORD. NO. 47-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle and Hanneken  
Nays: Molnar and Tulley  
The motion passed. **ORD. NO. 47-2015 declared adopted**

Relative to ORD. NO. 47-2015 Councilor Tulley stated this ordinance does not provide incentive for an existing business wishing to expand operations in Macedonia. This ordinance does not provide a level playing field in order to retain Macedonia's current businesses. Much is often offered elsewhere and Ms. Tulley fears Macedonia is not being a worthy opponent in the economic environment.

**ORD. NO. 48-2015**

AN EMERGENCY ORDINANCE REPLACING THE EXISTING MACEDONIA OCCUPANCY PROGRAM ADOPTED BY ORDINANCE NO. 108-2007, AND AMENDED BY ORDINANCE NO. 81-2009, AND REPLACING IT WITH NEW CHAPTER 191, TO BE KNOWN AS THE "MACDEDONIA OCCUPANCY AND JOBS CREATION PROGRAM" (MOJCP) was **offered** by Ms. Hanneken and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for its second and third readings**. Second by Ms. Darrow.

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

Ms. Hanneken moved, Ms. Darrow seconded to **adopt ORD. NO. 48-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle and Hanneken  
Nays: Molnar and Tulley  
The motion passed. **ORD. NO. 48-2015 declared adopted**

Relative to ORD. NO. 48-2015 Councilor Tulley stated her decision to vote against this grant for the Blackburn's was difficult. This grant pales in comparison to the original grant offered by the City and the incentives offered by another community. There was no consideration given to the commitment and

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business growth of the Blackburn's enterprise and the longevity and dedication the Blackburn's have had in Macedonia as residents and as business owners.

**ORD. NO. 49-2015**

AN ORDINANCE CONFIRMING THE APPOINTMENT OF MICHAEL BLACK TO THE POSITION OF PART-TIME SERVICE DEPARTMENT ) was **offered** by Ms. Darrow Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Ms. Tulley.

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

Ms. Darrow moved, Ms. Hanneken seconded to **adopt ORD. NO. 49-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None  
The motion passed. **ORD. NO. 49-2015 declared adopted**

Relative to ORD. NO. 49-2015 Mayor Kuchta stated "Miracle Mike" who received the last rite three times has been employed a seasonal employee.

**ORD. NO. 50-2015**

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ENABLING THE CITY OF MACEDONIA TO PARTICIPATE IN ODOT'S CONTRACT FOR THE PURCHASE OF ROAD SALT FOR THE 2015-2016 WINTER SEASON was **offered** by Mr. Molnar and Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Ms. Tulley.

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

Mr. Molnar moved, Ms. Hanneken seconded to **adopt ORD. NO. 50-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None  
The motion passed. **ORD. NO. 50-2015 declared adopted**

**ORD. NO. 51-2015**

AN ORDINANCE AMENDING CHAPTER 1327 OF THE CODIFIED ORDINANCES BY REPEALING REQUIRING RENTAL PROPERTY EXTERIOR INSPECTIONS AND FEES was offered by Ms. Darrow for its **first reading by title only**. Second not required.

**ORD. NO. 52-2015**

AN ORDINANCE AMENDING SECTION 375.03 OF THE CODIFIED ORDINANCES RELATING TO SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES was offered by Ms. Tulley for its **first reading by title only**. Second not required.

Councilor Molnar announced a **Public Hearing will be held on Thursday, June 11 at 7pm relative to Ordinance No. 52-2015.**

**ORD. NO. 53-2015**

AN ORDINANCE APPROPRIATING MONEY FOR PAYMENT OF UTILITIES AT LONGWOOD MANOR HOUSE was **offered** by Mr. Engle and Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Ms. Hanneken.

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

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Mr. Engle moved, Ms. Tulley seconded to **adopt ORD. NO. 53-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None  
The motion passed. **ORD. NO. 53-2015 declared adopted**

**ORD. NO. 54-2015**

AN ORDINANCE APPROPRIATING MONEY FOR FINANCE COMPUTER MAINTENANCE HOUSE was offered by Ms. Hanneken for its **first reading by title only**. Second not required.

**MOTIONS OR OTHER LEGISLATIVE ACTIONS**

~Mr. Molnar moved Mr. Engle seconded, granting permission for temporary liquor permit under the supervision of Recreation Director for the purpose of the Spirit of Macedonia Community Festival June 4-7, 2015.

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

~Ms. Hanneken moved Mr. Engle seconded canceling the regular council meetings of June 25 and July 9 for the purpose of summer recess.

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

~Ms. Darrow moved Ms. Hanneken seconded to schedule a Special Meeting for Wednesday, May 20 at 6:30pm for the purpose of discussing the SACS Investigation and the agenda to follow.

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

~Ms. Darrow moved Ms. Hanneken seconded to schedule a Special Meeting for Wednesday, May 27 at 6:30pm and the agenda to follow.

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

~Ms. Darrow moved Ms. Hanneken seconded to cancel the regular meeting of council on May 28 and the agenda to follow.

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

[The Special meeting of May 27 replaces the regular meeting which would have been held Thursday, May 28, the second Thursday of the month as determined by ordinance. The Special meeting agenda for May 27 will include all items normally posted on a regular meeting agenda; i.e. Approval of Minutes, Comments by the Public, Pending &/or New Legislation; Motions or Other Legislative items; Correspondence; Mayor's Report; Committee Reports; Department Reports, Unfinished Business and New Business]

Mr. Molnar announced the time for the Safety Committee previously posted for Wednesday May 20 has changed from 6:30pm to 5:30pm.

Council President Darrow interjected Ordinance No. 38-2015, revisions to Macedonia's Public Records policy will also be discussed on May 20 following discussion of safety related matters. A representative

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from the law department was asked to attend this meeting regarding the proposed revisions to records policy.

**CORRESPONDENCE:** None.

**MAYOR'S REPORT:** [Imported from Word document]

“I have combined the Mayor’s Report and Service Department report Free mulch will be available as early as tomorrow morning. Please keep in mind that this is for Macedonia residents only. If you see a business such as landscaping or others suspected of not being residents call 330-468-1234 and give their license number. We want to make sure there is some left for your neighbors!

There will be a lot going on at Memorial Park. Trees that were diseased and also those in the new 82 right of way, have been removed. The Park will be completely refurbished this year. The Gazebo will be made to look like new and the 9-11 statue will be moved to the corner of Park and Crow. That corner belongs to the City and will be completely refurbished to become a park dedicated to our City Safety Forces. Memorial Park will be outfitted with city water and electricity. I am already looking forward to our Christmas display this year!

All of the needed crossover repairs to the B streets have been completed. Everything should be ready to repave.

We will be meeting with our First Energy Rep on Monday to go over street lights, deteriorating access roads washing gravel onto our right of way, and designating and refurbishing the building on the corner of Route 8 and Route 82 to make people aware of it's historical value as a station for the old Interurban Railroad.

Chuckholes are being addressed as best we can because short staffing. Remember that just about all of Route 82 is due to be resurfaced this year. Please bear with us through all of the delays and detours. The end result will be worth it. Pass on the Nixle system of texting to everyone you can who uses the streets in Macedonia. Simply text to 888-777 our zip 44056.”

There was a major water main break on Valley View Road at Twinsburg Road. The quick response by Macedonia’s fire department and service department of diverting gallons of water away from a residential home helped avert loss of personal property. The Cleveland Water Department did not respond for hours.’

**COMMITTEE REPORTS**

**Planning Commission** Mr. Engle announced the next meeting of the Commission is Monday, May 18 at 5:30pm.

**Charter Review Commission** Mr. Engle announced that the CRC has completed its review of the Charter. Ordinances relative to the various amendments proposed by the Commission will be on Council’s next regular agenda.

**Parks & Recreation Committee** Ms. Tulley announced details are being finalized relative to the Spirit of Macedonia Community Festival June 4-7. Ms. Tulley encouraged everyone’s attendance and prayers for good weather.

**DEPARTMENT REPORTS**

**Service Department**

**Building Commissioner** Mr. Hlad had no report.

**Engineer** Mr. Fini reported Specialized Construction started road repairs to Airline and Westwood last week. Repair of Highland Road will be done Monday, May 18 following rush hour, weather permitting. Mr. Fini reported the Pavement Condition Rating Repair project is completed. There is a tabular form of

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the report as well. Mr. Fini stated engineering has created two proposals relative to drainage in the Lake Forrest subdivision as well as N. Bedford Road and Ledge Road

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

**Finance Department**

**Fire Department** Chief Black reported the fire department is up by 70 calls from last year at this time; hydrants are being painted and fire department is trying to get the Cleveland Water department to make repairs to out-of-service hydrants. Macedonia does not own the water hydrants, the water mains or the water Chief Black stated. Macedonia pays for use of the hydrants pursuant to contract. The City relies on CWD for efficiency and as everyone knows, CWD is less than efficient and there lies the problem in ensuring hydrants are operational.

Councilor Tulley mentioned CWD recently fixed a hydrant on Berkshire Drive.

Councilor Hanneken mentioned residents complained to her about the hydrants. Ms. Hanneken questioned Chief Black about CWD schedules of repairs to which the Chief answered CWD does not provide a schedule or notification when a hydrant is under repair. The Chief was told by the CWD that the CWD repairs the oldest hydrants first. Ms. Hanneken likened public relations and customer service of CWD to that of Ohio Edison and their repair schedule or lack of repair relative to out-of-service street lights.

**Police Department** Chief Golden reminded residents of ongoing construction and detours within the City. The Chief reminded residents to follow closures and road reports on the police department's Facebook page and/or download the Nixle app for notifications

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

**Unfinished business** None

**New business** None

There being no further business the regular meeting adjourned at 8:10pm (Roll call taken)