

Record of Proceedings  
Regular Council Meeting  
August 27, 2015

Presiding Officer, Mayor Donald Kuchta called the August 27 regular meeting to order at 7:30pm.

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

**PLEDGE OF ALLEGIANCE** was led by Council President Darrow

**INVOCATION** was led by Council President Darrow

**MINUTES** Ms. Darrow moved, Mr. Molnar seconded to approve the minutes of the public hearing and regular meeting of June 11th, the June 29<sup>th</sup> special meeting, and the regular meetings of July 9 and August 13 to include an amendment to Line 649 of July 9<sup>th</sup> minutes which reads “*for personal reasons.*”

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

**CORRESPONDENCE FROM COUNCILOR TULLEY READ AT HER HER REQUEST**

“To the residents of Macedonia, my apologies for my inability to attend tonight's meeting

Throughout this year, several life experiences have occurred with our council members; graduation, family reunions, funerals. Meetings rearranged so a member could attend

I am out of town with another life experience, the birth of a grandbaby.

I did not request this meeting be moved to accommodate my potential absence. Hard to always predict an Angels arrival

But note, I have reviewed the agenda and have kept in touch with the items to be discussed.

Again my apologies and will see you at the next meeting

Jan”

**PUBLIC COMMENTS**

Dan Havlicek of 8310 Shepard Road, directing his questions to resident and former Mayor Joseph Migliorini asked Mr. Migliorini if he served in the military, and if so, which branch, for how long and if he served in a combat area. Mr. Havlicek was reminded by Law Director Diemert this forum is intended

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for City business. Mr. Havlicek continued saying Mr. Migliorini's biography reads that he is a member of the VFW. Mr. Havlicek asserted Mr. Migliorini cannot be a member if he did not serve a branch of the military. Mr. Havlicek stated the only membership the VFW allows for non-military personnel is social. Mr. Havlicek questioned why Mr. Migliorini was invited to attend the meeting regarding the renovation of Memorial Park but Council President Darrow or Vice-President Hanneken was not. Mr. Havlicek likened Macedonia's action in this regard to N. Korea. Mr. Havlicek then questioned who were in attendance at this meeting. Mr. Havlicek suggested that that park dedicated to and memorializing veterans be moved to Longwood Park near the Manor House since former Mayor Frew Long was a distinguished military patron. Mr. Havlicek added 1150 veterans live in Macedonia according to the last census.

Mayor Kuchta told Mr. Havlicek that Sergeant Ken Tulley and other members of Nordonia Hills Post 801 requested the meeting. Mayor Kuchta explained during the last council meeting he announced the creation of the Macedonia Veterans Advisory Committee/ Nordonia Hills American Legion Post 80, its members and its purpose. Mayor Kuchta suggested Mr. Havlicek Post 801 if he has any further questions regarding this matter. Mayor Kuchta added that there is a proposal to rename Memorial Park Veterans Memorial Park for the purpose of honorably memorializing all for whom served.

Resident and former Mayor Joseph Migliorini of 1182 Mig Court stated he has been a continuous resident of Macedonia for 38-years and has been an honorary member of the VFW Post 801 since 1988. Mr. Migliorini thanked Mayor Kuchta for the appointment to the Veterans Advisory Committee. Mr. Migliorini, providing a brief history of Memorial Park explained that that the one acre parcel was donated to Macedonia for use as a city park by Colonel Peck. And that during the first phase of widening Route 82, when Mr. Migliorini was then mayor he had to contact Colonel Peck's heirs in order for S. Bedford Road to be relocated where it is today. The size of the park remained the same after the relocation he added. Colonel Peck should be remembered and honored for his generosity Mr. Migliorini added just as Mayor Frew Long. Regarding funds for renovating the park, Mr. Migliorini is recommending that NOPEC, for which he was chairman from 2005-2014, donate grant money to Memorial Park and the Manor House: \$20,000 for the veteran's monument and electrical upgrades at Memorial and \$15,000 to Manor House. The caveat to the grant money Mr. Migliorini explained is the money is reimbursable, that is, the City must first spend it. Mr. Migliorini added that NOPEC has disbursed over \$16 million to the communities throughout northeast Ohio and has saved residents over \$250 million in energy costs.

Tom O'Brien of 1049 Thornton Court and 30-year resident of Macedonia, formerly residing on Brookpoint Drive and neighbor of Councilor David Engle stated he is an Army veteran and is a founding member of Nordonia Hills American Legion Post 801 and its first commander. Mr. O'Brien is its current judge advocate and chaplain. Mr. O'Brien's military service was from 1965-1967. Mr. O'Brien explained that he met with Mayor Kuchta several months ago to discuss the opportunity of Memorial Park becoming a park honoring all veterans. The Nordonia Hills American Legion encompasses five communities Mr. O'Brien stated; Macedonia Northfield Center, Northfield Village, Sagamore Hills and Twinsburg. Mr. O'Brien said Macedonia is the best location for a veterans memorial because of its centrality and because six of the members of the executive board of the American Legion reside in Macedonia. The only request the Legion has made Mr. O'Brien stated is that the park be called Veterans

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Memorial Park. The memorial/monument Mr. O'Brien explained will be made of black granite, will be 13 feet high by 10 feet wide and will have emblems representing all five military services of the United States. The memorial will also include a dedication plaque. One Hundred engraved bricks will be sold as a fundraiser to achieve this goal Mr. O'Brien added.

Councilor Hanneken interjected her husband was an Army veteran. Ms. Hanneken suggested the three homes on Bedford Court zoned B-1 should be rezoned and if possible eventually eliminated thereby enlarging the park for a greater purpose.

With regards to another matter Dave Tami of 8865 Smokerise Drive thanked the veterans attending this evening's meeting for their service. Mr. Tami stated he is Mayor Kuchta's neighbor. Mr. Tami expressed frustration for what he described as ridicules and childish behavior by certain members of council. Mr. Tami stated, "If you run for mayor and lose, you lose. Pick yourself up by your boot straps, go home, evaluate why you lost and prepare for the next mayoral election. Don't run for city council so you can wreck havoc in the city to advance your own political aspirations. To prevent this from happening in the future the next time the Charter review comes around there should be a change. If you have a council seat and what to run for Mayor you should give up your seat. If you run for Mayor and loss you cannot run for Council until the next election. Speaking about the Charter, you tried to get the election concept changed because you feel that is why you lost. I don't think the voters of Macedonia would experience kindly to dissidence if we had to choose between more than two mayoral candidates. We are a lot smarter than that. To what I call the financial director circus, a term I cannot think fits better than circus, I think it's totally ridiculous. I cannot believe how anyone on council can defend the actions of the finance director. He violated numerous work issues I am not going to mentioned here. We have all read them in the reports, read them in the paper, we all know what they are, no need to mention them now. After numerous investigations, thousands of taxpayers' dollars wasted he remains on paid leave. Why, I don't know. To inform the council members who defend him, in the real world and what I mean by real world is a non-public employee position, working for a company, he would have been fired. No paid leave, no investigation; fired period. Voters do not want unethical employees controlling their tax dollars. I don't know where you work but I know where I've worked in the past some of those work issues were cause for immediate firing. No questions asked, no reviews, no discussions. Also, the same council people who are accusing the Mayor of receiving free snow plowing and garbage pick-up like in a lot of other cities provide voted themselves raises and hospitalization. I'm not sure about this one but I also believe they voted themselves fitness center memberships. When the new mayor comes up, guess what, there is going to be an increase in salary. I wish I had the opportunity to vote for my salary increases myself. Most of us don't have the ability even if we own our own business. Also, I would like to thank Mayor Kuchta for serving the City of Macedonia for the last three mayoral terms. In spite a volatile council Mayor Kuchta has lead the city through some of the toughest financial situations this city and this country has experienced. When other cities floundered Macedonia has flourished. The Mayor and Council serve us, the citizens, not themselves. They are elected to work together to better Macedonia. I feel what has been going on for the last few years, instead of hearing the concerns of the people whether it be flooding zoning issues, Council has wasted time on arguing over somebody who should have been fired, arguing over ridiculous things instead of taking care of business."

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Relative to another topic, resident Marti Skarupa of 8199 S. Bedford Road read in its entirety a letter from Attorney Warren Mendenhall dated August 27, 2015 to Law Director Diemert regarding to the Ambassador Soccer facility. Mr. Mendenhall represents S. Bedford Road residents in the matter Ms. Skarupa explained. Full text of Mr. Mendenhall's letter attached.

Law Director Diemert interjected that that he responded to Mr. Mendenhall today. Mr. Diemert stated Mr. Mendenhall was apparently unaware of Mr. Diemert's January 16, 2015 email to Council in which Mr. Diemert had explained he did not have the documents with him at January 8<sup>th</sup> meeting when questions about the parcel were asked of him. The off-the-cuff answers he gave on the 8<sup>th</sup> were clarified in detail in the January 16<sup>th</sup> email he added. Mr. Diemert added that he issued another response to the Mayor, Council and department heads on April 24<sup>th</sup> regarding the same consistent with the information he provided on January 16<sup>th</sup>.

Regarding another matter, Joe Skarupa of 8199 S. Bedford Road complained about traffic congestion at Highland and S. Bedford, the inoperable signal light at that location and the difficult and hazardous time drivers have trying to enter or exit either of those streets. Mr. Skarupa stated the City is at fault for this hazard because it caused the bridge to be built over the railroad. Every problem has a solution Mr. Skarupa stated and now it's time for the City to come up with a solution. The signal light constantly flashing is not a solution he complained. What is the solution Mr. Skarupa asked Chief Golden? It's just a matter of time before an eighteen wheeler hits a school bus.

Chief Golden informed Mr. Skarupa that the Highland/Bedford signal light is not in constant flash mode. The light is operational during peak traffic hours i.e., 4-6pm and before and after school. Chief Golden explained one recent problem is the installed replacement "trip" was installed too far forward. Chief Golden has been working with Signal Service to get the signal light operating more efficiently during high peak hours.

**PENDING &/OR NEW LEGISLATION**

**ORD. NO. 52-2015**

Mr. Molnar moved, Ms. Darrow seconded for ORD. NO. 52-2015 AN ORDINANCE AMENDING SECTION 375.03 OF THE CODIFIED ORDINANCES RELATING TO SNOWMOBLES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES **to remain at second reading** [First Rdg: 5/14/15; Second Rdg: 5/27/15, 6/11/15; 7/9/15; 8/13/15; Public Hearing; 6/11/15 Public Hearing 9/10/15]

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

**ORD. NO. 88 – 2015**

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AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EMS BILLING SERVICES AGREEMENT WITH LIFE FORCE MANAGEMENT, INC was **offered** by Ms. Hanneken for its **third reading by title only**. Second not required.

Ms. Hanneken moved Mr. Engle seconded to **adopt ORD. NO. 88-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar  
Nays: None.  
The motion passed. **ORD. NO. 88-2015 declared adopted.**

**ORD. NO. 89 – 2015**

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH COST RECOVERY CORP. L.L.C, IN ORDER TO PROVIDE BILLING AND RELATED SERVICES REGARDING MOTOR VEHICLE ACCIDENTS was **offered** by Mr. Molnar for its **third reading by title only**. Second not required.

Mr. Molnar moved Ms. Darrow seconded to **adopt ORD. NO. 89-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar  
Nays: None.  
The motion passed. **ORD. NO. 89-2015 declared adopted**

**ORD. NO. 90 – 2015**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL FOR DELINQUENT DEBT COLLECTIONS was **offered** by Ms. Darrow for its **third reading by title only**. Second not required.

Mr. Molnar moved Ms. Darrow seconded to **adopt ORD. NO. 90-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar  
Nays: None.  
The motion passed. **ORD. NO. 90-2015 declared adopted**

**ORD. NO. 97 – 2015**

Mr. Engle moved, Mr. Molnar seconded for ORD. NO. 97-2015: AN ORDINANCE COMPLETELY REPEALING EXISTING ORDINANCE SECTION 1171.19 OF CODIFIED ORDINANCES “DONATION BOXES PROHIBITED” AND ADOPTING NEW ORDINANCE 1171.19 WHICH REGULATES DONATION BOXES AND CREATES A PERMITTING PROCESS **to remain at its second reading**.

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

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Relative to ORD. NO. 97-2015, Councilor Molnar explained that the proposed ordinance requires some tweaking. Donation boxes are meant for shoes and clothing items, but large household items like couches and chairs are left outside the containers. These items are unsightly but more importantly they are unusable by Planet Aid. The questions Mr. Molnar said is who is responsible for removing these non useable and unsightly items and within what time frame. These questions should be clarified by ordinance Mr. Molnar added.

**ORD. NO. 99 – 2015:** AN ORDINANCE PROVIDING FOR A SNEIOR SNOW REMOVAL PROGRAM FOR THE 2015-2016 WINTER SEASON was **offered** by Ms. Darrow for its **second reading by title only**. Second not required.

**ORD. NO. 103- 2015**

AN ORDINANCE APPROPRIATING A FUND TRANSFER FROM GENERAL FUND TO ACCOUNT 101.101.5500 FOR VARIOUS STREET LIGHT REPAIRS BY OHIO EDISON 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 only for its second and third readings**. Second by Mr. Engle.

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

Mr. Molnar moved Mr. Engle seconded to **adopt ORD. NO. 103-2015** and post same according to law

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar  
Nays: None.  
The motion passed. **ORD. NO. 103-2015 declared adopted**

**ORD. NO. 106- 2015**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SPECIALITY CONSTRUCTION FOR THE 2015 CRACK SEALING PROGRAM 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 only for all three readings**. Second by Mr. Molnar.

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

Ms. Darrow moved Mr. Molnar seconded to **adopt ORD. NO. 106-2015** and post same according to law

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

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Nays: None.  
The motion passed. **ORD. NO. 106-2015 declared adopted.**

**ORD. NO. 107- 2015**

AN ORDINANCE MAKING APPROPRIATIONS IN ORDER TO FUND OPERATING EXPENSES FOR 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 only for all three readings.** Second by Ms. Darrow.

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

Ms. Hanneken moved Ms. Darrow seconded to **amend ORD. NO. 107- 2015 by deleting the following request for additional funds.**

FROM ACCOUNT	TO ACCOUNT	AMOUNT
<del>Unencumbered General Fund</del>	<del>101.150.5345</del> Litigation Expenses, Legal Department	<del>\$15,000</del>

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

Councilor Molnar asked Mr. Diemert if he knew why the increase was necessary to which he answered the finance department most probably made the determination based on current litigation bills. The litigation may be relative to the three council members who do not want payment made Mr. Diemert stated. In the end the court will take care of the matter Mr. Diemert added.

Councilor Hanneken interjected that she examined law department bills through August 8<sup>th</sup> and the line item relative to this department is at 55% and therefore in her opinion additional funds are not needed at this time. That does not mean Ms. Hanneken added that if more funds are necessary that they will not be added.

Ms. Hanneken moved Ms. Darrow seconded to **adopt ORD. NO. 107-2015 as amended** and post same according to law

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar  
Nays: None.  
The motion passed. **ORD. NO. 107-2015 declared adopted.**

**ORD. NO. 108- 2015**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A REVISED AGREEMENT WITH SUMMIT COUNTY AND ALL OTHER PARTICIPATING MUNICIPALITIES WITH REGARDS TO THE INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB

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CREATION AND RETENTION AND TAX REVENUE SHARING WITH THE TERM BEGINNING OCTOBER 1, 2015 THROUGH JUNE 30, 2016 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 only for all three readings**. Second by Mr. Engle.

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

Mr. Molnar moved Mr. Engle seconded to **adopt ORD. NO. 108-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar  
Nays: None.  
The motion passed. **ORD.NO.108-2015 declared adopted**

**RES. NO. 109 – 2015**

CONFIRMING APPOINTMENT OF JOE MIGLIORINI TO PLANNING COMMISSION TO FILL VACANCY TO TERM ENDING JULY 3, 2020 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 all three readings**. Second by Ms. Darrow.

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

Mr. Engle moved Ms. Hanneken seconded to **adopt RES. NO. 109-2015** and post same according to law.

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

Relative to RES. NO. 109-2015, Councilor Molnar explained that in his tenure as a member of City Council he has never opposed the Mayor's appointments to any board or commission. The Charter provides the Mayor with the authority to make these appointments. Unless there is a gross imposition, Mr. Molnar said he will always support Mayor's appointments

**MOTIONS OR OTHER LEGISLATIVE ACTIONS** (See Executive Session)

**CORRESPONDENCE:**

- Letter of commendation from Macedonia resident David Love, 9412 Airline Drive to Chief Jon Golden regarding Officers Christopher Holmes and Sean Hathaway and Detective Sergeant Ken Turley's exemplary character, knowledge and professionalism.

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

“The Council and Mayor of Macedonia received correspondence from the Sagamore Hills Trustees in regards to a recent merger for Dispatching between Sagamore Hills and Macedonia. The letter referenced a recent email by Trustee Paul Buescher in which he made accusations of impropriety between Sagamore Hills and Macedonia. In that email we were accused of conspiring to switch Sagamore to our dispatch, and that it was illegal.

Mr. Schweikert (a Trustee of Sagamore Hills) said it was not illegal citing a statement from the Assistant Prosecuting Attorney John Galonski.

Mr. Schweikert went on to say that information in Mr. Buescher's email was false and that the accusations he made were baloney.

As far as a statement from my office regarding this incident I am reiterating that there was not any "conspiracy". Sagamore Hills came to Police Chief Golden asking for help and we did our best to come to their aid. That's what neighbors do. There was no "conspiracy".The definition of the word conspiracy is secret planning by a group of people to do something illegal or harmful. There is a lot more involved to run governments then to spend the day conniving. The government is an is target for the word conspiracy but I think the word is a bit overused by some. Everything is a conspiracy to them.

This same thing happened when Macedonia tried to regionalize Fire Departments years ago and Northfield Center pulled out of those discussions. It should not be a matter of territorial battles of will. It is simply about saving taxpayer dollars.... not turf wars.

I would like to thank the Trustees of Sagamore for straightening out this matter and we look forward to working with you in our future endeavors.

The I-271 ramp and the widening of Interstate 271 and route 82 in front of Speedway are ODOT projects. They are definitely going to cause delays and maybe even some temporary shutdowns.

How do you keep informed?

One way is to call the City which is not the best way because we have no control over those projects.

So now what?

There is a direct line for ODOT District 4 information.

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That number is 330-786-2209.

Calling that number will get you results and information quicker than calling the City.

Please remember to sign up for Nixle! Just text our zip 44056 to 888777. This service is provided to you for free by our City just to help keep you informed. A good for instance just happened this morning. Everyone who has Nixle was advised of a road closure. South Freeway Drive was closed. It was not supposed to be closed...but we all know that stuff happens. ODOT informed us it had to remain closed.

Please keep in mind that the I-271 project can effect traffic not only on Route 82 and the Interstate, it also effects Ledge Road and South Freeway. Once again I must urge you to find alternate routes, There is a north bound I-271 ramp next to Bob Evans on Route 8 and you can also access 271 north off of Pleasant Valley and Broadway in Oakwood as a temporary measure. Much of the repairs are going to be a factor traffic wise until the end of 2016. Don't forget that Ledge will be closed for revamping the ancient railroad bridge that is crumbling there. That repair was slated to be done already but because of some kind of special cement request by Norfolk Southern, the project is yet to begin. Hopefully it will be started in the month of September. Every day I worry about damage to your automobiles, and possibly even to you, that can be done by falling rocks. The worst time and most dangerous time is when a train is actually going over the bridge. They have been inspecting and removing some loose rock...but I still don't trust that bridge.

The City of Macedonia Veteran's Advisory Committee/Nordonia Hills American Legion Post #801 is officially registered. We had our first meeting Tuesday and it was a great meeting discussing the Macedonia Memorial Park. The Committee will be selling bricks for a beautiful memorial that they plan to build there. This memorial to all branches of the armed forces will showcase the significance of having a Memorial Park dedicated to all of those who served in the Armed Forces during times of war. This Park will be a sanctum for all veterans and their families, and for our residents, who want to go and reflect on the cost of our freedom. This Hallowed Ground will be designed and built by Veterans and our City with that goal in mind.”

**COMMITTEE REPORTS** None

**DEPARTMENT REPORTS**

**Service Department**

**Building Commissioner** Mr. Hlad reported that catch basins throughout the city are being inspected and the report on the condition of each is expected by spring. Three engineering proposals were received

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relative to the Shepard Road sanitary Sewer project. The financial goal in this regard is to keep the installation cost per parcel at around \$20,000-\$25,000, as near to the cost of replacing a septic system under current mandates. If the cost per parcel exceeds this amount, than the project most probably is not worthy to pursue Mr. Hlad added. Mr. Hlad announced a meeting about the Manor House has been arranged in regards to the most recent adjudication order and the LMHS's appeal to the state building board of appeals. Mr. Hlad reported the renovations of city hall are under plan review as well as are the cost estimate. Mr. Hlad reported that the new storm water map required in accordance with EPA Phase II compliance..

Mayor Kuchta mentioned a Summit Health Department official met with him today regarding septic system regulations. Standards and mandates have increased dramatically over the years Mayor Kuchta. At one time septic systems were comparatively inexpensive to install and fairly inexpensive to maintain. Today however that is not the case. All the remaining systems in Summit County are going to be highly regulated and monitored.

**Engineer** Mr. Fini thanked Council for approving Ord. No. 106-2015 relative to this year's crack sealing program. The list of streets in the program include S. Bedford Road and the streets in the subdivisions of Lake Forrest, Thousand Oaks, Parkview and Rolling Hills. If there is left-over product more streets will be done Mr. Fini added

Councilor Hanneken asked Mr. Fini about the Our Lady of Guadalupe retention basin to which he answered the design of the basin will be completed on or around September 18<sup>th</sup>. Ms. Hanneken asked if landscaping is included in the design to which he answered that it is not.

Councilor Molnar inquired about the status of the Sioux culvert and the Ledge and Bedford Roads survey.

Mr. Fini answered the Sioux design is complete. The permit application to the Army Corp of Engineer was issued this week. Waiting for the Corps approval will not hold up the bidding process however, three easements are required before the project can be bid. Mr. Fini explained the existing culvert encroaches on private property and the new culvert will certainly encroach on them so before the project proceeds the City has to secure easements for each. Mr. Fini explained an easement it the right granted by a private property owner for the permanent use of their property for municipal purposes. D.O.E.S and Cleveland Water have also had involvement he added. Regarding the Ledge & Bedford survey Mr. Fini stated the purchase order was just processed.

Councilor Darrow asked Mr. Fini to announce bid openings in his Council report.

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

**Finance Department**

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**Fire Department** Chief Black thanked Council for approving Ord. Nos. 89, 90 and 91-2015, respectively the contract agreements for EMS billing, cost recover billing and delinquent debt collection billing by the office of Ohio Attorney General. Chief Black reported that call volume is up 230 from all of 2014, from 850 to 1080.

**Police Department** Chief Golden reminded residents to use Nixle for alerts and warnings regarding road closures due to construction or accidents. The chief reported that only a portion of the solar street signs purchased earlier in the year have been installed. The signs for the roads near Route 82 construction, i.e. Shepard Road, north and south bound and S Bedford will not be installed until Route 82 construction is complete. School traffic Chief Golden reported is slowing getting resolved. High school traffic is better than last year. The “trip” at Highland and S. Bedford previously discussed should resolve some of the issue even more. Ledgeview elementary school traffic is still a concern Chief Golden stated. Chief Golden continues to have on-going dialogue with Principal Rinehart towards resolution of the problem. Regarding the signal light at Highland and S. Bedford and traffic conditions resulting Chief Golden stated he has been working with Signal Service running various light patterns in an attempt to keep traffic moving safely. The problem is complex and so far none of the variable patterns have provided relief he added. Chief Golden said Highland Road’s problem is exacerbated by the permanent elimination of Twinsburg Road access to Route 8.

Mayor Kuchta interjected Macedonia had five east-west roads accessing Route 8. Now there are only four. Mayor Kuchta asked Mr. Fini to quote a signal timing analysis for the Highland Road corridor.

Councilor Molnar asked Mr. Fini whether the traffic studies relative to Ambassador Soccer and the high school would be address some of the issues.

Mr. Fini stated the package related Highland Road funding application discussed earlier this year would have included a major traffic analysis, the type needed in this situation.

**Law Department** Mr. Diemert reported that as a result of a legitimate taxpayer demand, Mayor Kuchta authorized the law director in mid-July to pursue legal action against three members of Council for lack of duty regarding the removal of the finance director for violations against the law. Mr. Diemert stated the lawsuit was filed July 20, 2015, and at the direction of the Summit County Clerk of Court notice of the suit was sent by U.S. postal service to the homes of Councilor Darrow, Engle and Hanneken. Mr. Diemert said all three notices were ignored and the summonses were returned to the Court of Common Pleas. Continuing, Mr. Diemert stated,. “To avoid future obstruction of the this case, further cost to taxpayers and further delay in the resolution of this important issue that today I was appointed by the state court as special process server for the purpose of serving these summonses in order to get this matter going. So it is my pleasure to finally get this resolved by serving Councilperson Darrow, Councilperson Engle and Councilperson Hanneken. I know you guys are busy and couldn’t get to the post office to pick up your mail. This will save you that trouble.”

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**Unfinished business** Council President Darrow stated, "There is a website out right now and out of respect for our department heads and for this Council, I am speaking for Mr. Molnar, Ms. Tulley, Ms. Hanneken, myself and Mr. Engle. A statement is made that numerous department heads and employees describe Council as dysfunctional and that bullying tactics were used by a few members of this Council. I am here to say that is completely false. I talked to several employees and I have also talked to department heads, and that is false. These department heads and the employees have not said that about this Council. This Council works very good together and we provide everything that the department heads want and what the Mayor wants. I think we have done a tremendous job. And I am sure the department heads can agree that we are not dysfunctional to you at all. We are very kind to you and to the employees. Second, on this website, it is stated here that an established business and a foreign company who was asking for help was turned away because certain members of Council already thought that his house was too big. I want to say that this comment was completely false. This comment came from a resident in the audience. Not this Council, not Mr. Molnar, not Ms. Tulley, not Ms Hanneken, not myself or Mr. Engle at anytime. What we actually did, we had a work session to fix the legislation so the legislation would comply with what they were asking. We then voted on this piece of legislation and it did pass, okay? And, then number three, excuse me number four. There was a statement here tonight that the Council had somebody on administrative leave. That is also false. Council does not have anybody on administrative leave, our Mayor does. The Charter is very, very clear and no is no. We have ordered several times the Mayor to return the finance director back to his job and he has refused to do so. The Charter is stated the way it is. The Charter is voted on by the people. The people are responsible for the Charter. When we go to the polls and we vote, okay? I did not write the Charter but I did vote on it and I'm following the Charter. The Charter says no. For the department head to be fired, only the department head, the Mayor has to come and get the approval of this Council. We have had several meetings, we have several investigations, yes we have which we have not spent any taxpayers' money but other people have. So needless to say the Mayor has been ordered to bring him back to work, okay? And, I guess I just got served. You know you guys were talking earlier about going to war and voting for your rights and stuff like that, well, here it is. You elected us to be council members and to vote for you, and I have done a very good job for you doing my job here in the city of Macedonia. I love Macedonia and I have voted my consciens and I have done a very good job. I have looked at every piece of legislation that has been brought before me at every cost. And if any of these department heads have a problem and the Mayor comes to us, were going to look at it very, very thoroughly and I'm going to protect any of these department heads all the way to the end. That is what the Charter tells me. That is what I have to do. And my vote is no and Scott Svab should be brought back here and he should be working according to our Charter. If you don't like that then so be it. Then change the Charter but that's what the Charter says. I am not in violation of the Charter, the Mayor is. And they are going to take us to Court to change our vote? Okay, that is what this is. If you think that is right, that he can pick and chose what he can do. The bottom line is the Mayor is in violation of this Charter not this Council, so all those statements are false. I thank the department heads and I thank the employees and I have been very, very privileged with working with all of you guys and I hope I continue to work with you. I care about you guys and I care about this community. I've tried to do everything I can and be a good as I possibly can to you guys. I am sorry that these statements are out there but I am going to defend these department heads, these employees and this Council. That is all I have to say."

Record of Proceedings

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Mayor Kuchta interjected, "Department heads were denied purchase orders by the finance director for personal reasons. So how is that helping our department heads by keeping that man here who wouldn't let them do their jobs?"

Councilor Darrow responded, "I'm going to answer that Don. Here's the bottom line Don, purchase orders are still not getting answered and secondly someone who wasn't getting purchase orders got four raises. The Mayor praised him. You can take that to the court Don, he got four raises."

Law Director Diemert interjected, "It is going to be answered in court"

**New business** Councilor Hanneken stated she has visited the various areas throughout the city under rehabilitation, like the parks, Eileen Drive and the streets that have been paved. Ms. Hanneken commended Mr. Hnottavange and service department personnel for the level of workmanship regarding these areas and for doing a good job keeping Council informed about the status of each project.

Mayor Kuchta asked Ms. Hanneken, "Are you going to change your mind and allow me to appoint Mr. Hnottavange service director now because as you know you turned that down too."

Councilor Darrow interjected, "Because your service director said no."

**EXECUTIVE SESSION**

**At 9:10pm Mr. Engle moved, Mr. Molnar seconded to adjourn into an Executive Session for the purposes of discussing the purchase and/or sale of property and merit increases for the recreation director, building commissioner and police chief.**

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

At 9:30pm Council reconvened into its regular meeting and there being no further business adjourned at 9:31 (Roll call taken)