

Record of Proceedings

Regular Council Meeting

September 10, 2015

Presiding Officer, Mayor Donald Kuchta called the September 10 regular meeting to order at 7:50pm.

**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 Nordonia Hills VFW American Legion Post 801

**INVOCATION** was led by Councilor Janet Tulley. Ms. Tulley interjected an especially poignant remembrance of 9/11.

**PROCLAMATION** Mayor Kuchta read proclamations from Twinsburg VFW Post 4929 in recognition of the office of the Mayor and Macedonia's fire department for their help and support in Twinsburg's Cost of Freedom Ceremony.

**PUBLIC COMMENTS**

Resident Dan Havlicek of 8310 Shepard Road questioned Post 801 attendees about the designation SAL as seen in the Post 801 newsletter. Mr. Havlicek asked Post 801 members how and why Mr. Migliorini is an honorary member. Mr. Havlicek stated Mrs. Migliorini made derogatory remarks about Post 801.

Mayor Kuchta reminded Mr. Havlicek his comments must relate to City business.

Regarding another topic resident Cathy Loya, 9186 N. Bedford Road asked Council not to become complacent about the storm water problems around Bedford/Ledge Road during this period of drought. The recent weather drought is presenting another problem Ms. Loya stated, a sink hole is developing. Photos of the situation were circulated. Ms. Loya added that her property continues to be retention area for water diverted from other areas especially I271. Ms. Loya asked Council for the same consideration given to parcel #3300726, that is the Loya property be appraised and purchased like the Gabriel property on Iroquois Run property so that the Loya property can be used by the City as a retention basin as parcel #33-0076 is intended to be used. Ms. Loya told Council that every property owner experiencing storm water issues should be offered the same opportunity as the Gabriel's.

Councilor Engle asked Engineer Fini the status of the storm water study previously authorized by Council to which Mr. Fini answered the engineering (site evaluation/topography) should be complete within a month and thereafter modeling and proposed recommendations should be completed in a month.

Relative to another matter, Brecksville resident Dave Pristash, member of the American Legion, Post 801 thanked the Mayor and Council for allowing Macedonia Memorial Park to become a veteran memorial park and be renamed in that regard. Mr. Pristash, a Viet Nam veteran asked for continued support of the American Legion

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Regarding another subject, Macedonia resident Joseph Migliorini, former mayor and current mayoral candidate residing at 1182 Mig Court but soon to be a resident in the Villas of Taramina congratulated Councilor Tulley on the birth of her third grandchild, Emma. Mr. Migliorini commended the Mayor and Council for negotiating what he described as a good contract with Republic Waste on behalf of Macedonia residents. Mr. Migliorini feels however that the trash containers supplied by Republic Waste are too large for most residents to handle or store. Mr. Migliorini opined the smaller; 65-gallon container used specifically for recycling should also be the size used for trash. The 95-gallon containers are just too large and bulky and for this reason many residents are leaving them outside their garages or other covered storage areas. Regarding Macedonia's storm water issues, Mr. Migliorini explained that when he was mayor of the City he tried to attack the issue at every front. Funding however was always the deterrent. Mr. Migliorini opined the purchase of the Gabriel property was a positive step towards resolution to a problem area. There are many problem areas however. And the real problem he added is that many homes built in the sixties were done so without oversight. There was no city building department. The County was the building authority during the early years of Macedonia's development. There were no topographies or elevations required. The Bedford and Ledge Roads corner is another seriously affected area as it gets the brut of I271 run-off. ODOT should be contacted. Regarding the political campaign for the position of mayor, Mr. Migliorini challenged mayoral candidate Hanneken to pledge taking the high road, to run her campaign on personal merits as Mr. Migliorini said he is willing to pledge. Mr. Migliorini mentions this he said because of the information Ms. Hanneken has requested relative to his involvement with the Parkview subdivision, Villas of Taramina and the Summit County the Port Authority.

Councilor Hanneken, responding to the size of containers Republic Waste supplied to residents told Mr. Migliorini that many residents who requested the smaller container received them. Regarding the mayoral campaign Ms. Hanneken agreed and pledged to no personal attacks. Public record and anything part of the government process in her opinion is fair game. Ms Hanneken reminded Mr. Migliorini that she has supported him when others have not.

**PENDING &/OR NEW LEGISLATION**

**ORD. NO. 52-2015**

Ms. Tulley moved, Mr. Molnar 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, 8/27/15; Public Hearings; 6/11/15 & 9/10/15. Second public hearing on revisions]

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

**ORD. NO. 97 – 2015**

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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.** [First reading:8-13-15; Second reading; 8-27-15]

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

**ORD. NO. 97 – 2015**

Ms. Darrow moved, Mr. Molnar seconded for **ORD. NO. 99 – 2015: AN ORDINANCE PROVIDING FOR A SENEIOR SNOW REMOVAL PROGRAM FOR THE 2015-2016 WINTER SEASON to remain at its second reading.**

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

**ORD. NO. 110 – 2015**

AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO (2) 2015 FREIGHTLINER TRUCKS FROM VALLEY FREIGHTLINER INC., OF CLEVELAND FOR USE BY THE MACEDONIA SERVICE DEPARTMENT FOR SNOW PLOWING AND OTHER DUTIES 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, Molnar and Tulley  
Nays: None.  
The motion passed.

Ms. Darrow moved Ms. Hanneken seconded to **adopt ORD. NO. 110-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None.  
The motion passed. **ORD.NO. 110-2015 declared adopted**

**ORD. NO. 111-2015**

AN ORDINANCE AUTHORIZING THE FINANCING OF TWO 2015 FREIGHTLINER TRUCKS THROUGH MERCEDES-BENZ FINANCIAL SERVICES USA LLC PAYABLE IN 5 ANNUAL INSTALLMENTS 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. Tulley.

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

Ms Hanneken moved Ms. Tulley seconded to **adopt ORD. NO. 111-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None.  
The motion passed. **ORD.NO. 111-2015 declared adopted**

**ORD. NO.112– 2015**

AN ORDINANCE APPROPRIATING A TRANSFER FROM GENERAL FUNDS TO SERVICE DEPARTMENT ACCOUNT 401-401-5641 FOR THE PURCHASE OF TWO (2) SNOW DOGG MUNICIPAL GRADE SNOW PLOWS FROM CONCORD ROAD EQUIPMENT MFG 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 Ms.Tulley.

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

Mr. Molnar moved Ms. Tulley seconded to **adopt ORD. NO. 112-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None.  
The motion passed. **ORD.NO. 112-2015 declared adopted**

**ORD. NO. 113 – 2015**

AN ORDINANCE APPROPRIATING A TRANSFER FROM GENERAL FUNDS TO SERVICE DEPARTMENT ACCOUNT FOR THE ANNUAL INSPECTION OF THE BUCKET TRUCK AND FOR THE CITY MECHANIC TO ATTEND TRAINING FOR EMERGENCY APPARATUS MAINTENANCE 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 Mr. Molnar.

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

Mr. Engle moved Mr. Molnar seconded to **adopt ORD. NO. 113-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None.  
The motion passed. **ORD.NO. 113-2015 declared adopted**

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**ORD. NO. 114– 2015**

AN ORDINANCE APPROPRIATING A TRANSFER FROM GENERAL FUNDS TO LAW DEPARTMENT TO MEET THE OBLICATIONS FOR THE BALANCE OF 2015 was **offered** by Ms. Hanneken for its **first reading by title only**. Second not required.

**ORD. NO. 115– 2015**

AN ORDINANCE APPROPRIATING A TRANSFER FROM GENERAL FUNDS TO FIRE DEPARTMENT FOR VEHICLE REPAIRS 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 only for all three readings**. Second by Mr. Engle

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

Ms. Tulley moved Mr. Molnar seconded to **adopt ORD. NO. 115-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None.  
The motion passed. **ORD.NO. 115-2015 declared adopted**

**ORD. NO. 116 – 2015**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE CONTRACT FOR PERMANENT PARCEL 33-00726 FOR THE AMOUNT OF \$156,000 AND APPROPRIATING THAT AMOUNT was **offered** 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, Molnar and Tulley  
Nays: None.  
The motion passed.

Mr. Engle moved Ms. Hanneken seconded to **adopt ORD. NO. 116-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None.  
The motion passed. **ORD.NO. 116-2015 declared adopted.**

Relative to ORD. NO. 116-2015, Councilor Tulley stated the City is setting a precedent by purchasing private property. Ms. Tulley feels therefore that the same should be done for the Loya Family who for years have experienced very serious storm water problems and for years have asked for help from city officials.

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Mayor Kuchta interjected that it has been years since Macedonia has been able to in one evening purchase property and service equipment with seemingly just a single stroke of a pen. It wasn't that many years ago Mayor Kuchta added that the economy was such that police personnel had to be laid off and other serious financial cuts had to be made to keep the City financial viable.

**RES. NO. 117 – 2015** A RESOLUTION RENAMING THE MACEDONIA MEMORIAL PARK LOCATED AT STATE ROUTE 82 AND SOUTH BEDFORD ROAD TO “VETERANS MEMORIAL PARK” was **offered** 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 Ms. Tulley.

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

Ms. Darrow moved Ms. Hanneken seconded to **adopt RES. NO. 117-2015** and post same according to law.

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley  
Nays: None.  
The motion passed. **RES.NO. 117-2015 declared adopted**

Relative to RES.NO. 117-2015, Councilor Tulley requested that Colonel Eugene C. Peck, who donated his land for Memorial Park, now Veterans Memorial Park, who built the gazebo, who served two enlistments with the 23<sup>rd</sup> Army Corp during the Civil War and who served as Mayor of Macedonia in 1917 be recognized in the park by plaque or in some other manner.

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

~Mr. Molnar moved, Ms. Tulley seconded to authorize the Mayor to acquire an appraisal of 9186 N. Bedford Road, the Loya property as was recently done for the Gabriel property.

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

Relative to Mr. Molnar's motion, he stated he has walked the Loya's property, has seen the negative effect and encroachment created by run-off and as a strong proponent of storm water management feels this property should be purchased as was the Gabriel's. At this point his request he explained is merely

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to acquire an appraisal. Mr. Molnar asked Ms. Loya if she wants her property to be appraised for potential purchase by the City to which she answered that she does.

Councilor Engle stated he is not opposed to purchasing additional property. Mr. Engle prefers at this point however to wait the results of GPD's storm water study. The Gabriel property was purchased Mr. Engle stated because engineering had previously determined there were no other way to alleviate the continuing flooding problems. The forthcoming study may provide alternatives other than demolishing the Loya's home for the purpose of creating a retention basin.

Councilor Hanneken agreed with Mr. Engle in that an appraisal is premature. Council authorized nearly \$50,000 for an extensive study of the problem areas. Two residents have offered portions of their properties to create retention basins to alleviate at least the flow of water to numerous properties around Bedford and Ledge Roads. Ms. Hanneken added that given N. Bedford properties are in a flood plain FEMA may be able to provide assistance.

Councilor Tulley, as a former member of the Storm Water Committee questioned the fairness of members of Council choosing one property over another. Previous studies and photos have clearly demonstrated the seriousness of water issues on the Loya property.

**CORRESPONDENCE:** None

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

“Tomorrow is the 14th anniversary of the September 11th terrorist attack on the World Trade Center. I would like to take a minute to remember all of the first responders and also all of the American citizens that lost their lives that day. It is also a horrible fact that there are more than 71,000 of those first responders still receiving treatment today for their injuries sustained during the attack. Some of those people received two or more separate injuries that day with some even dealing with cancer that was a direct result of the attacks. We should never forget the brave men and woman who continuously watch over us, and our freedom, both overseas and in our Safety Forces right here at home. God bless them all.

After hearing about Colonel Peck donating Memorial Park at the last Council meeting, I found out that by googling his name you can get a super history lesson with many great informational and fascinating glimpses of the early Macedonia. Colonel Peck not only donated the park to Macedonia in 1928, but he actually built the Gazebo and also donated that too. He also built a big building in the early twenties on Route 82 and it housed stores and our first Macedonia bank until it was taken over by the Joslyn Manufacturing Company. That building caught fire in 1961 and was never rebuilt. Joslyn then moved to a new building on Valley View Road that they still occupy today. That means they have

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been in Macedonia well over 50 years. Colonel Peck also owned land on Route 634 which is Valley View where the Johnson Manor was and now is Faith Fellowship Church. His love for Macedonia was evident in his legacy of good deeds and his impact on early development here.

Today was the annual "State of the City" report at a luncheon at Spennato's in Northfield. Macedonia is alive and well and getting stronger as the infrastructure is improved. We are in the process of doing more than \$50 million dollars worth of initiatives to our infrastructure with the I-271 widening and new northbound ramp being in full swing today. More will be forthcoming on Route 82 in the next year to address East West movement. Economic Development is strong and the only question mark that remains in Macedonia is the building that housed Sears and Roebuck.

Remember that our Senior Center programs are now offering a variety of weekly hot lunches, Bingo parties, potluck socials, game room activities, movies, and informative speakers and is open to ALL Nordonia seniors.

Our total revenue from our courts from August was \$43, 073.50.”

**COMMITTEE REPORTS**

**Park and Recreation Commission** Councilor Tulley announced there is P&RC meeting on September 30 at 7pm on the second floor of the Recreation Center. Discussion always includes the activities and programming at the Recreation Center as well the parks, Sugarbush and Longwood. A survey is being issued to from residents what they want in their Recreation Center and in the parks. Their feedback will help determine of their wants what can become a reality. The recreation portion of income tax collection expires in 2017 Ms. Tulley stated. Residents may want to continue that tax earmark in order to build an outdoor swimming facility or to create walking trails she added.

**DEPARTMENT REPORTS**

**Service Department** Acting Service Director John Hnottavange reported that service crew recently completed repairing three failing catch basins. There are six others to be done. These basins will be completed before crews begin ditching culverts and driveway culverts he added.

Council President Darrow questioned the status of the work at Sugarbush Park to which Mr. Tom Rodhe, the service department arborist answered that the park is currently being graded and once the handicapped parking space is poured the park will be seeded.

Mr. Hnottavange interjected that Mr. Rohde is the only service employee assigned at Sugarbush. There are not enough service employees to take off storm water repairs.



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**Building Commissioner** Mr. Hlad reported the Marriott hotel chain is resubmitting their plans to the Planning Commission. Vista Springs should be occupied by October and the Enclave rental subdivision is nearly complete.

**Engineer** Mr. Fini reported construction/repair of the Ledge Road Bridge anticipated is to begin September 28<sup>th</sup>. Commencing September 13<sup>th</sup> ODOT is changing I271 northbound lanes. Then on September 20<sup>th</sup> the same will occur for southbound traffic. The reopening of the northbound onramp is anticipated October 12<sup>th</sup>.

Councilor Hanneken asked Mr. Fini about the Our Lady of Guadalupe retention basin to which he answered that the design of the basin is nearly complete. Once the design is completed a determination will have to be made whether the property is to be an easement or whether it should be acquired. Ms. Hanneken mentioned she inspected the streets included in this year's road program and wondered if everything was completed to which Mr. Fini answered there remains a number of punch list items that have to be taken care of before the project closes.

Council President Darrow informed Mr. Fini that she spoke with an ODOT engineer who informed her that it is completely false that run-off from I271 is effecting properties around the interstate because as she was told by this ODOT engineer, ODOT diverts the run-off.

Mr. Fini responded that ODOT fulfills certain requirements in accordance with ODOT's own rules. Mr. Fini questioned with whom Ms. Darrow spoke.

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

**Finance Department**

**Fire Department** Chief Black thanked the American Legion veterans for their participation this evening Chief Black specially thanked American Legionnaire Bob Zarle who served 4-years in the military, 30-years as a police officer and 17-years as a firefighter.

**Police Department** Chief Golden reminded residents that the I271 southbound ramp to SR82 will close the last week of September and will remain closed for 30-days. Chief Golden mentioned that he continues to work with Signal Services on the timing of the signal light at Highland / S. Bedford. Chief Golden feels while the most recent cycle is not perfect it is however an improvement.

Councilor Hanneken asked Chief Golden if school traffic has lessened now that bussing is back to which the Chief answered there has been some degree of improvement. High school traffic is better but Ledgeview Elementary school traffic remains a problem. Ledgeview's principal is working with Chief Golden to resolve the issue of the traffic queue on Shepard created by parents waiting for their children. Chief Golden mentioned a Northfield Village officer oversees the traffic at Lee Eaton Elementary.

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**Law Department** Mr. Diemert reported that today Macedonia received a summons/complaint relative to the Gardens of Highland. The summons pertains to a foreclosure. The City is a named defendant to grant the ability to partake in assets in the event past or current real property taxes are due. There is no liability on the City. This case is similar to the Farnhurst case in which the City was named. Mr. Diemert stated. Mr. Diemert added that as law director it is his duty to defend this case as in all cases that come before the City. Mr. Diemert stated during the last council meeting three members of Council decided not to pass the additional appropriations requested by the finance department to fund the law department. Mr. Diemert identified a dozen legal matters the law department is currently handling. Mr. Diemert opined the action of three members of Council is retaliatory. The law department should be paid for work the law department is obligated to perform on behalf of the City. Mr. Diemert added.

**Unfinished business** Councilor Hanneken stated that on 9/11 she was in Crystal City, Arlington Virginia, less than a mile from the Pentagon. The events of the day continue to reverberate for her. Some of her friends were killed when the Pentagon was hit. They remain buried at the site. Ms. Hanneken stated everyone who served at the Pentagon that day is a hero, everyone who serves is honored.

Regarding another topic, Council President Darrow thanked Bob Roloff, service department mechanic for his involvement relative to the purchase of the two new trucks. Ms. Darrow said the service department continues to need additional equipment and more staffing. Ms. Darrow personally supports the need for both. Ms. Darrow congratulated Ms. Tulley on the birth of her most recent grandchild.

Councilor Molnar commended the departments of service and finance for continuing to work efficiently without directors. Mr. Hnottavange for one works as acting service director and continues his position as service foreman. The equipment status and fleet report Messer's Hnottavange and Roloff prepared and recently presented to Council provided an excellent snapshot of the needs of the service department for which there are many. Mr. Molnar stated.

Councilor Tulley reminded residents to use Nixle, the free text messaging system that alerts drivers of traffic situations and/or accidents. Ms. Tulley commended NewsLeader reporter Brianna Barker on her article about 9/11, which Ms. Tulley felt was written from the heart. Ms. Tulley thanked the Nordonia Hills VFW and the American Legion for their presence this evening as well as for their service to this country no matter the branch of the military they served in or the length of their service.

**New business** Mayor Kuchta announced that a meeting is being held relative to the Manor House Friday, September 12 at 3:30pm.

**EXECUTIVE SESSION**

**At 9:05pm Ms. Darrow moved, Mr. Engle seconded to adjourn into an Executive Session for the purpose of discussing merit increases for the recreation director, building commissioner and police chief and also regarding Personnel issues.**

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

**Relative to Ms. Darrow motion, Councilor Tulley explained she voted against adjourning because Ms. Darrow included an item not previously identified on the agenda.**

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