



## A G E N D A REGULAR MEETING OF COUNCIL

November 12, 2020  
Budget Meeting 6:00 PM  
Work Session 6:45 PM  
Council Meeting 7:30 PM

**Roll call:** Ms. Brandt, Mr. Finley, Mr. Garvas, Mrs. Tulley, Mr. Ventura

**Pledge of Allegiance by** Mayor Nick Molnar

**Approval of Minutes** Regular Meeting October 22, 2020.

### I. PUBLIC COMMENTS

### II. PENDING &/OR NEW LEGISLATION

**ORD. NO. 69 -2020[\_\_\_\_\_]**

AN ORDINANCE AMENDING CHAPTER 1133 OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA RELATIVE TO SIGN REGULATIONS

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**RESO. NO. 70 -2020[\_\_\_\_\_]**

AN EMERGENCY RESOLUTION ACKNOWLEDGING AND ACCEPTING THE TERMS SET FORTH IN THE REPORT OF THE FACT FINDER RELATIVE TO THE SERGEANT AND PATROL OFFICER BARGAINING UNITS OF THE CITY OF MACEDONIA POLICE DEPARTMENT

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**RESO. NO. 71 -2020[\_\_\_\_\_]**

A RESOLUTION ADOPTING THE SUMMIT COUNTY SOLID WASTE MANAGEMENT PLAN BY THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY DBA REWORKS FOR THE CITY OF MACEDONIA

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**RESO. NO. 72 -2020[\_\_\_\_\_]**

AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH SAGAMORE HILLS TOWNSHIP FOR THE USE OF CARES ACT AND OTHER COVID-19 RELATED GRANT MONEY TOWARD THE TOWNSHIP'S UPCOMING CONTRACT PAYMENT FOR FIRE PROTECTION, EMS AND DISPATCH SERVICES

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD. NO. 73 -2020[\_\_\_\_\_]**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MACEDONIA OCCUPANCY AND JOBS CREATION PROGRAM AGREEMENT WITH ROYAL CHEMICAL COMPANY

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD. NO. 74 -2020[\_\_\_\_\_]**

AN ORDINANCE AMENDING ORDINANCE NO. 92-2019 RELATIVE TO CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MACEDONIA FOR THE PERIOD OF JANUARY 1, 2020 TO DECEMBER 31, 2020

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD. NO. 75 -2020[\_\_\_\_\_]**

AN ORDINANCE PROVIDING FOR THE 2021 ANNUAL APPROPRIATIONS FOR THE CITY OF MACEDONIA, OHIO

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD. NO. 76 -2020[\_\_\_\_\_]**

AN ORDINANCE DECLARING IMPROVEMENTS TO A CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE WHICH DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A CLEANLAND MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43; AND DECLARING AN EMERGENCY.

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**RESO. NO. 77 -2020**[\_\_\_\_\_]

A RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL PROPERTY BY THE SERVICE DEPARTMENT OF THE CITY OF MACEDONIA IN ACCORDANCE WITH CITY OF MACEDONIA CODIFIED ORDINANCE SECTION 121.05 AND OHIO REVISED CODE SECTION 721.15

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD. NO. 78 -2020**[\_\_\_\_\_]

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO GOVERNMENT BENEFIT COOPERATIVE TO PROVIDE HEALTH INSURANCE COVERAGE FOR ELIGIBLE CITY OF MACEDONIA EMPLOYEES

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD. NO. 79 -2020**[\_\_\_\_\_]

AN ORDINANCE AMENDING SECTION 537.16 OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA RELATIVE TO THE DISTRIBUTION, POSSESSION, AND USE OF CIGARETTES, VAPOR PRODUCTS, OR OTHER TOBACCO PRODUCTS

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**III. MOTIONS / OTHER LEGISLATIVE ACTION**

**IV.** Correspondence

**V.** Mayor's Report

**VI.** Committee Reports

**VII.** Department Reports

**VIII.** Unfinished Business

**IX.** New Business

**XI.** Adjournment

# NOVEMBER

## Public Notice of City Meetings / Calendar of Events / Dates of Interest

\*Public Comment for the November 12, 2020 Council Meeting should be sent to Clerk of Council Amanda Trzaska at [atrzaska@macedonia.oh.us](mailto:atrzaska@macedonia.oh.us) . Public comment must be received no later than the close of business on November 11, 2020 and will be subsequently made available to the public.

**\*Note \***

- This will a Virtual Work Session & Regular Meeting; we will not be holding session in council chambers.
- Council's virtual meeting will be held through Microsoft Teams access will be available on the City of Macedonia's website [www.macedonia.oh.us](http://www.macedonia.oh.us)

# NOVEMBER

## City of Macedonia Calendar

### Notice of Public Meetings / Calendar of Events / Dates of Interest

Mayors Court	Tuesday	November 3	8:30AM VIRTUAL
<b>ELECTION DAY!</b>	Tuesday	November 3	<b>EVERY VOTE COUNTS! DON'T FORGET TO VOTE!</b>
Budget Meeting	Thursday	November 5	6PM VIRTUAL
Mayors Court	Tuesday	November 10	8:30AM VIRTUAL
VETERANS DAY	Wednesday	November 11	Thank you for your service!
Budget Meeting	Thursday	November 12	6PM VIRTUAL
Council Work Session	Thursday	November 12	7PM VIRTUAL
Regular Council Meeting	Thursday	November 12	7:30PM VIRTUAL
Planning Commission Meeting	Monday	November 16	5:30PM
Mayors Court	Tuesday	November 17	8:30AM VIRTUAL
Park & Recreation Commission	Wednesday	November 18	6PM VIRTUAL
BZA Meeting	Wednesday	November 18	6:30PM (Hearings held only if needed in Council Chambers, 3 <sup>rd</sup> Weds of month)
Mayors Court	Tuesday	November 24	8:30AM VIRTUAL
Council Work Session	Thursday	November 26	<b>CANCELLED</b>
Regular Council Meeting	Thursday	November 26	<b>CANCELLED</b>
THANKSGIVING DAY	THURSDAY	NOVEMBER 26	HAPPY THANKSGIVING!

**\*ALL VIRTUAL MEETINGS ARE SUBJECT TO CHANGE IN ACCORDANCE WITH THE GOVERNORS ORDINANCES AND THE OPENING OF CITY HALL.**

**-End**

ORIGINATOR: ADMINISTRATION

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
ORDINANCE NO. 69 -2020**

**AN ORDINANCE  
AMENDING CHAPTER 1133 OF THE CODIFIED ORDINANCES OF THE CITY OF  
MACEDONIA RELATIVE TO SIGN REGULATIONS**

**WHEREAS**, it is necessary and in the best interest of the health, safety and welfare of all City residents to amend Chapter 1133 and Chapter 1179 of the Codified Ordinances of the City of Macedonia relative to sign regulations; and

**WHEREAS**, a public hearing has been held upon at least thirty (30) days’ notice pursuant to City Ordinance 1141.05.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Macedonia, County of Summit and State of Ohio:

**Section 1.** That Chapter 1133 of the Codified Ordinances of the City of Macedonia shall be amended to delete Section 1133.02(4)E. as set forth in the document attached hereto and incorporated by reference as Exhibit “A.”

**Section 2.** That Section 1133.02(20.5) shall be amended as set forth in Exhibit “A” and renumbered as Section 1179.02

**Section 3.** That the remainder of the Codified Ordinances of the City of Macedonia shall not be amended unless inconsistent with this Ordinance.

**Section 4.** The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of the City of Macedonia.

**Section 5.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 6.** Wherefore, this Ordinance shall become effective upon its adoption by Council and signature of the Mayor or as otherwise be provided for in law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council

## 1133.02 DEFINITIONS

### (4) Building; structure.

~~E. "Sign" means any card, cloth, paper, metal, painted surface, glass, wooden, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising or professional purposes on the ground or any tree, wall, bush, rock, post, fence, building, structure or anything whatsoever. "Placed" as used in this definition, includes erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.~~

### 1179.02 DEFINITIONSSigns:

#### A. General.

1. "Sign" means any structure or any device attached to a structure, or painted, or represented directly or indirectly thereon intended to announce, direct or advertise. A sign may include banners, lights and other site or building features, and may be represented by words or letters, figures, symbols or characterizations, or other insignia or devices. Architectural features, either as part of the building or freestanding, are not considered signs and are thus exempt from these regulations. An architectural feature is any construction attending, but not an integral part of the sign, and which consists of landscape or building or structural forms complementing the site in general. A sign shall contain no moving parts except for changeable copy pursuant to Section 1179.05(m)-1179.11

#### 2. "Sign area or dimension".

a. For a sign which is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area dimensions shall include the entire portion within such background or frame.

b. For a sign comprised of individual letters, figures or elements on a wall or similar surface, or an irregular shaped freestanding sign, the area of the sign shall encompass a regular, or a combination of regular geometric shapes which form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms which comprise all the display area including the space between the elements.

c. The sign area shall include the frame, but shall not include the pole or other structural support unless such pole or structural support is illuminated or otherwise so designated to constitute a display surface or device.

d. The height of a freestanding sign shall be measured from the average grade surrounding its point of attachment to the ground to the top of the highest most element. A wall sign or projecting sign shall be measured from the grade of the nearest street drive parking area or landscape surface.

e. A freestanding sign shall have no more than two display surfaces provided that the two display surfaces are arranged back-to-back and parallel to each other.

f. In the event there is a dispute in determining the sign area or any sign dimension, the Planning Commission shall have the responsibility for making such determination.

3. "Building frontage" means the length of the building or unit of the building which faces the principal street or the length of the wall of the ~~building or building or~~ unit which contains the ~~main-primary~~ building entrance to the uses therein. In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length. Only one outside wall of any business shall be considered its frontage.

4. "Building unit" means that portion of a building which is owned or leased by a single tenant. The length of unit is that portion of the building so occupied by a single activity and calculated proportionally in the same manner as the building frontage.

B. ~~Types of Signs; Physical Characteristics~~ Definitions.

- ~~1.~~ 1. Banner shall mean any sign of cloth, plastic, canvas or similar nonrigid material that is customarily mounted on the walls of buildings or upon the hard surfaces of other structures on property.
- ~~2.~~ Billboard shall mean any sign advertising, identifying or directing attention to any product, service, entertainment or commercial activity not offered upon the lot on which the sign is located.
- ~~3.~~ Colors, primary are red, yellow and blue. Complementary colors are orange, purple and green. Gray, white and black are included as complementary colors for the purposes of this definition.
- ~~4.~~ Directional sign means a sign directing or guiding traffic and parking on private property with no part of any such sign more than four feet above grade.
- ~~5.~~ Dynamic display - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input or any other method or technology that allows the sign face to present a series of images or displays. Dynamic displays, as defined above, include digital video displays and electronic message centers.
- ~~6.~~ Flag shall mean any sign of cloth or similar material, anchored along one side, displayed from a single pole, either freestanding or attached to a building
- ~~7.~~ "Free standing sign" means a sign which is supported from the ground or a structure, other than a building, or a pole. Signs supported by a pole are strictly prohibited.
- ~~8.~~ 3. "Identification" means a sign intended to announce or promote the use, activity, service or business on the premises and which may contain the name of the use, business or facility; address; telephone number; identification of the principal products, services or activities offered; hours of operation; directory of occupants; or prices of products or services offered.
- ~~9.~~ 4. "Instructional signs" means a sign intended to instruct employees, customers, or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payments accepted. In residential districts, instructional signs may include security identification, no trespassing signs, signs identifying presence of animals, directing deliveries, etc.

10. —5. "Name plate" means a sign indicating only the name and address of the person, business, profession or activity occupying the lot, building(s) or part of the operation or maintenance of any equipment which is placed on the building or site.
11. Non-commercial opinion sign means any sign which does not advertise a product, good, business or service; or expresses one or multiple messages on one or more issues; or promotes any candidate, party, issue, levy, referendum or other matter eligible to be voted upon in any general, primary or special election.
12. Pole Sign shall mean any sign, other than a flag as herein defined, that is supported by a pole, poles, columns or other base or structure.
13. —2. "Portable" means a sign which is designed to be moved and is not permanently, or intended to be permanently, attached to a building, structure or the ground.
14. Project construction sign means a temporary sign identifying the name of a subdivision, building or public works project or facility during the time of construction. Such signs may include a description of the project, give an address and telephone number of a contact person for more information and may list the project's professional firms (such as architects, engineers, developers and contractors).
15. —3. "Projecting" means a sign erected on the outside wall of a building and which projects out at an angle therefrom.
16. Real estate sign means a sign which directs attention to the promotion, development, rental, sale or lease of the property on which the sign is located.
17. Required, (public safety) sign means a sign erected by a public authority, utility, public service organization or private industry upon the public right of way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public services as determined by the ordinances of the City, the rules and regulations of other governmental agencies or through public policy.
18. Subdivision or project identification sign means a sign identifying the name and address of a completed residential subdivision, a multiple family development, and/or office, industrial park or subdivision. Such a sign in an office complex or industrial park may include a directory of uses.
19. Temporary sign means a sign of any type, intended for use for a limited period of time.
20. —4. "Wall sign" means a sign erected parallel to, or painted on the surface, or on the outside wall of any building, and not extending more than eighteen inches therefrom, and which does not project above the roof line or beyond the corner of the building. A sign affixed to, or near, a window for the purposes of being visible to and read from the outside of the building and containing information typically found on identification or instructional signs shall, for the purposes of these regulations, be considered a wall sign.
21. Windblown devices mean objects designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means.



C. ~~Types of Signs; Functional.~~

~~1. "Subdivision or project identification" means a sign identifying the name and address of a completed residential subdivision, a multiple family development, and/or office, industrial park or subdivision. Such a sign in an office complex or industrial park may include a directory of uses.~~

~~2. "Directional" means a sign directing or guiding traffic and parking on private property with no part of any such sign more than four feet above grade.~~

~~3. "Identification" means a sign intended to announce or promote the use, activity, service or business on the premises and which may contain the name of the use, business or facility; address; telephone number; identification of the principal products, services or activities offered; hours of operation; directory of occupants; or prices of products or services offered.~~

~~4. "Instructional signs" means a sign intended to instruct employees, customers, or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payments accepted. In residential districts, instructional signs may include security identification, no trespassing signs, signs identifying presence of animals, directing deliveries, etc.~~

~~5. "Name plate" means a sign indicating only the name and address of the person, business, profession or activity occupying the lot, building(s) or part of the operation or maintenance of any equipment which is placed on the building or site.~~

~~6. "Political" means a temporary sign promoting any candidate seeking any political office or promoting any ballot measure to be voted upon by the electorate of the City.~~

~~7. "Project construction sign" means a temporary sign identifying the name of a subdivision, building or public works project or facility during the time of construction. Such signs may include a description of the project, give an address and telephone number of a contact person for more information and may list the project's professional firms (such as architects, engineers, developers and contractors).~~

~~8. "Required, (public safety)" means a sign erected by a public authority, utility, public service organization or private industry upon the public right of way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public services as determined by the ordinances of the City, the rules and regulations of other governmental agencies or through public policy.~~

~~9. "Real estate" means a sign which directs attention to the promotion, development, rental, sale or lease of the property on which the sign is located.~~

~~10. "Temporary" means a sign of any type, (other than project construction, real estate or political), intended to announce special events, promotions or sales.~~

22. ~~11.~~ Dynamic display - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically

or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input or any other method or technology that allows the sign face to present a series of images or displays. Dynamic displays, as defined above, include digital video displays and electronic message centers.

23. Vehicular Sign shall mean any sign attached or applied to a vehicle of any type and used primarily to identify, advertise or promote, excluding any signs on vehicles normally and regularly used and operated in the course of business.

24. Window Sign shall mean any sign in view of the general public appearing on a window surface or within up to 24 inches of the window surface.

## 1133.02 DEFINITIONS

\* \* \*

(4) Building; structure.

\* \* \*

## 1179.02 DEFINITIONS

### A. General.

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### 2. "Sign area or dimension".

a. For a sign which is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area dimensions shall include the entire portion within such background or frame.

b. For a sign comprised of individual letters, figures or elements on a wall or similar surface, or an irregular shaped freestanding sign, the area of the sign shall encompass a regular, or a combination of regular geometric shapes which form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms which comprise all the display area including the space between the elements.

c. The sign area shall include the frame, but shall not include the pole or other structural support unless such pole or structural support is illuminated or otherwise so designated to constitute a display surface or device.

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4. "Building unit" means that portion of a building which is owned or leased by a single tenant. The length of unit is that portion of the building so occupied by a single activity and calculated proportionally in the same manner as the building frontage.

B. Definitions.

1. Banner shall mean any sign of cloth, plastic, canvas or similar non-rigid material that is customarily mounted on the walls of buildings or upon the hard surfaces of other structures on property.
2. Billboard shall mean any sign advertising, identifying or directing attention to any product, service, entertainment or commercial activity not offered upon the lot on which the sign is located.
3. Colors, primary are red, yellow and blue. Complementary colors are orange, purple and green. Gray, white and black are included as complementary colors for the purposes of this definition.
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6. Flag shall mean any sign of cloth or similar material, anchored along one side, displayed from a single pole, either freestanding or attached to a building
7. Free standing sign means a sign which is supported from the ground or a structure, other than a building, or a pole. Signs supported by a pole are strictly prohibited.
8. Identification means a sign intended to announce or promote the use, activity, service or business on the premises and which may contain the name of the use, business or facility; address; telephone number; identification of the principal products, services or activities offered; hours of operation; directory of occupants; or prices of products or services offered.

9. Instructional signs means a sign intended to instruct employees, customers, or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payments accepted. In residential districts, instructional signs may include security identification, no trespassing signs, signs identifying presence of animals, directing deliveries, etc.
10. Name plate means a sign indicating only the name and address of the person, business, profession or activity occupying the lot, building(s) or part of the operation or maintenance of any equipment which is placed on the building or site.
11. Non-commercial opinion sign means any sign which does not advertise a product, good, business or service; or expresses one or multiple messages on one or more issues; or promotes any candidate, party, issue, levy, referendum or other matter eligible to be voted upon in any general, primary or special election.
12. Pole Sign shall mean any sign, other than a flag as herein defined, that is supported by a pole, poles, columns or other base or structure.
13. Portable means a sign which is designed to be moved and is not permanently, or intended to be permanently, attached to a building, structure or the ground.
14. Project construction sign means a temporary sign identifying the name of a subdivision, building or public works project or facility during the time of construction. Such signs may include a description of the project, give an address and telephone number of a contact person for more information and may list the project's professional firms (such as architects, engineers, developers and contractors).
15. Projecting means a sign erected on the outside wall of a building and which projects out at an angle therefrom.
16. Real estate sign means a sign which directs attention to the promotion, development, rental, sale or lease of the property on which the sign is located.
17. Required, (public safety) sign means a sign erected by a public authority, utility, public service organization or private industry upon the public right of way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public services as determined by the ordinances of the City, the rules and regulations of other governmental agencies or through public policy.
18. Subdivision or project identification sign means a sign identifying the name and address of a completed residential subdivision, a multiple family development, and/or office, industrial park or subdivision. Such a sign in an office complex or industrial park may include a directory of uses.
19. Temporary sign means a sign of any type, intended for use for a limited period of time.
20. Wall sign means a sign erected parallel to, or painted on the surface, or on the outside wall of any building, and not extending more than eighteen inches therefrom, and which does not project above the roof line or beyond the corner of the building. A sign affixed to, or near, a window for the purposes of being visible to and read from the outside of the

building and containing information typically found on identification or instructional signs shall, for the purposes of these regulations, be considered a wall sign.

21. Windblown devices mean objects designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means.
22. Dynamic display - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input or any other method or technology that allows the sign face to present a series of images or displays. Dynamic displays, as defined above, include digital video displays and electronic message centers.
23. Vehicular Sign shall mean any sign attached or applied to a vehicle of any type and used primarily to identify, advertise or promote, excluding any signs on vehicles normally and regularly used and operated in the course of business.
24. Window Sign shall mean any sign in view of the general public appearing on a window surface or within up to 24 inches of the window surface.

ORIGINATOR: ADMINISTRATION

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
RESOLUTION NO. 70 - 2020**

**AN EMERGENCY RESOLUTION  
ACKNOWLEDGING AND ACCEPTING THE TERMS SET FORTH IN THE REPORT OF  
THE FACT FINDER RELATIVE TO THE SERGEANT AND PATROL OFFICER  
BARGAINING UNITS OF THE CITY OF MACEDONIA POLICE DEPARTMENT**

**WHEREAS**, the City of Macedonia and the Ohio Patrolmen’s Benevolent Association (“OPBA”) have previously entered into negotiations for successor collective bargaining agreements effective January 1, 2020 through December 31, 2022 for both the Patrol Officer bargaining unit as well as the Sergeant bargaining unit; and

**WHEREAS**, said negotiations resulted in the appointment of a factfinder by the State Employment Relations Board (“SERB”) to attempt to resolve any remaining outstanding issues between the parties; and

**WHEREAS**, the City and OPBA representatives met with the SERB-appointed Factfinder on October 9, 2020, and the Fact Finder issued his Report on or about November 5, 2020, the receipt of which is acknowledged by Council, and which included specific recommendations as to the remaining outstanding issues between the parties.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Macedonia, County of Summit and State of Ohio:

**Section 1.** The Council for the City of Macedonia hereby acknowledges and accepts the terms of the Report of the Fact Finder as set forth in the document that is attached hereto and incorporated herein by reference as Exhibit “A” for purposes of resolving outstanding issues and entering into successor collective bargaining agreements effective January 1, 2020 through December 31, 2022 for both the Patrol Officer as well as the Sergeant bargaining units.

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 3.** Wherefore, this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Macedonia and the inhabitants thereof, for the reason that it provides for the daily operation of a municipal department, and provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

**IN THE MATTER OF FACTFINDING  
BETWEEN:**

**OHIO PATROLMEN'S BENEVOLENT ASSOCIATION,**

**AND**

**THE CITY OF MACEDONIA**

**SERB Case No(s).** 2019-MED-10-1087 Patrol Officer Unit  
2019-MED-10-1088 Sergeant Unit

**REPORT OF THE FACTFINDER**

**Appearances**

For the Employee Organization: Dominic Saturday Esq., Ohio Patrolmen's Benevolent Association

For the Employer: Pat Hoban Esq., Zashin & Rich

**1. INTRODUCTION**

This matter is before the Factfinder pursuant to an appointment by the State Employment Relations Board on July 31, 2020. The parties met with the Fact Finder via the Zoom platform on October 9, 2020. Representing the employer was Pat Hoban, Esq. of Zashin & Rich and representing the employee organization was Dominic Saturday, Esq. of the Ohio Patrolmen's Benevolent Association. This is a joint report for the Patrol Officer bargaining unit, (Case No. 2019-MED-10-1087) and the Sergeant's bargaining unit.(Case No. 2019-MED-10-1088) The subject of this report is the labor agreement starting on January 1, 2020 and expiring December 31, 2022.

The City of Macedonia is located in Northeast Ohio. It is part of the Akron Metropolitan statistical area with a population of approximately 12,000 residents. It has a strong Mayor form of government and operates under its own charter. The police department employs approximately 15 patrol officer and 5 Sergeants who are the subject of this report.

Negotiations started in December of 2019 and the parties have met in person two times. Because of the pandemic, communication has been via email and by phone.



The parties have successfully reached tentative agreements on most outstanding issues. Shortly before the Fact Finding, the parties resolved the following Articles:

Dues Deduction

Vacations

Holidays

Special Leave (Patrol Officer)

Smoke Free Cruiser (Patrol Officer)

Duration

### **Unresolved Issues**

The remaining unresolved Articles are:

Articles 24 (Patrol) and 23 (Sgt.)—Wages

Articles 32 (Patrol) and 30 (Sgt.) ---Insurance

Articles 31 (Patrol) and 29 (Sgt.) ---Reimbursement of Damages

On October 9, the undersigned conducted the Fact Finding via the Zoom platform. Timely position statements were received from both parties and both sides were represented by their respective Counsel. The arguments raised by each party revolved around comparable jurisdictions in the Akron SMSA for wages and Insurance. Both sides relied comparable wage and insurance data provided from SERB's Research and Training Department. Both sides argued the need to maintain competitive wages and insurance vis a vis the surrounding jurisdictions. The city did not argue inability to pay, nor was there any discussion regarding the COVID pandemic impact on negotiations or the terms and conditions of employment.

### **The Union position for Patrol Officer and Sergeant is as follows:**

**Wages Starting:** January 1, 2020 –2.5% increase  
January 1, 2021—2.0% increase  
January 1, 2022 --3.0% increase

### **Health Insurance Premiums:**

	Employee Share	Employer Share
Wellness	7.5%	92.5%
Non-wellness	15%	85%

### **Reimbursement of Damages:**

A maximum of \$500.00 reimbursement for damage to personal items.

**The City position is as follows:**

Wages starting: January 1, 2020—2.0% increase  
January 1, 2021---1.5% increase  
January 1, 2022—1.0% increase

**Health Insurance Premiums:**

	Employee Share	Employer Share
Wellness	7.5%	92.5%
Non-wellness	15%	85%

**Reimbursement of Damages:**

Retain the current language of the Labor Agreement

In addition, the parties requested that the provision for Firearms Proficiency (\$2,500) be rolled into wages starting in January of 2021 and the Article be discontinued.

**2. DISCUSSION**

While the wage requests of the parties are different, both have the same goal, to compensate and retain a skilled police force. Other Fact Finder reports from North East Ohio over the last several months reflect wage recommendations in the 2%-3% range. Given one of the factors to considered by the Fact Finder is comparable market conditions(OAC 417-9-05), this fact finder submits increases in the ranges proposed by the employer, do not reflect the current market conditions for Patrol Officers and Sergeants. The fact finder notes that in this instance and in other Fact Findings, COVID 19 does not appear to be a factor, at least for now. Given the foregoing, the wage recommendations below are appropriate changes to the Patrol Officers and Sergeant wage scale.

For Health Insurance, a closer examination of the proposals reveals each side is apparently proposing the same thing. During the Fact Finding, discussion was dominated by the subject of wages and reimbursement for damaged personal equipment. Little was said about Health Insurance premiums.

For the issue of Reimbursement for Damages to personal property in the course of duty, the Fact Finder is cognizant of the incidents that may arise during a shift where items can be damaged. Typically these personal items are going to be watches and eyeglasses and reimbursement, for loss incurred in the line of duty, is entirely appropriate. The amount recommended is not what the union asked for, but guards against any criticism by the public that the amount is too generous.

### **3. RECOMMENDATION**

The Fact-Finder recommends the following on the issue of wages:

#### **ARTICLE 24 (PATROL) & ARTICLE 23 (SERGEANTS) – WAGES**

January 1, 2020	2% wage increase retroactive to January 1, 2020
January 1, 2021	\$2,500 firearms proficiency allowance outlined in Article 24 (Patrol) and Article 23 (Sergeants) will be rolled into wages and then discontinued
	2% wage increase, computed after rolling in the firearms proficiency allowance
January 1, 2022	2% wage increase

The Fact-Finder recommends the following on the issue of health insurance:

#### **ARTICLE 32 (PATROL) & ARTICLE 30 (SERGEANTS) – INSURANCE**

Effective January 1, 2021, health insurance premium contributions will be as follows:

	Employee premium share	Employer premium share
Vitality	6.25%	93.75%
Non-vitality	12.5%	87.5%

Effective January 1, 2022, health insurance premium contributions will be as follows:

	Employee premium share	Employer premium share
Vitality	7.5%	92.5%
Non-vitality	15%	85%

The Fact-Finder recommends the following on the issue of reimbursement for damages:

**ARTICLE 31 (PATROL) & ARTICLE 29 (SERGEANTS) – REIMBURSEMENT OF DAMAGES**

Effective January 1, 2021, Section 31.01 (Patrol Officer) and Section 29.01 (Sergeants) will read:

If in performing his/her duty as a police officer, such officer should suffer damage to his eyeglasses, wrist watch, dentures or similar type items, a proof of loss shall be made in writing to the Chief of Police then forwarded to the Safety Director/Mayor. Upon approval the police officer shall be reimbursed for said damages but such payment shall not exceed three hundred dollars (\$300). The City shall be entitled to the right of subrogation

**4. CONCLUSION**

These recommendations are for the duration of the successor contract. These recommendations and the Tentative agreements are deemed reasonable in light of the economic and contractual data presented and reviewed by the fact finder. They recognize the presentations made by the parties and the efforts at the bargaining table that resulted in many tentative agreements being reached. These recommendations hopefully will enable the parties to reach a sensible center which is the goal of the statutory process. Finally the undersigned recognizes the professionalism and courtesy the parties have extended to each other and the Fact Finder.

/s/Donald M. Collins

Donald M Collins, Esq.  
Fact Finder

Issued: November 5, 2020

**CERTIFICATE OF SERVICE**

I certify the foregoing was served, via electronic mail, upon Pat Hoban Esq. at [pjh@zrlaw.com](mailto:pjh@zrlaw.com) and Dominic Saturday Esq. at [dsaturday@opba.com](mailto:dsaturday@opba.com) and SERB at [MED@SERB.ohio.gov](mailto:MED@SERB.ohio.gov). this 5<sup>th</sup> day of November 2020.



## PUBLIC NOTICE

### SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY dba ReWorks

#### Public Comment Period and Public Hearing for Draft Solid Waste Management Plan

The Summit/Akron Solid Waste Management Authority (dba ReWorks) is establishing a 30-day written comment period on the draft Summit County Solid Waste Management Plan Update (2021-2036).

The public comment period is from Tuesday, October 27, 2020 through Wednesday, November 25, 2020. ReWorks will accept written comments as required by Ohio Revised Code Section 3734.55 on the draft Plan Update during this time. Written comments must be submitted by November 25, 2020, and should be mailed to Marcie Kress, Executive Director, ReWorks, 2711 W Market St., Unit 13620, Fairlawn, OH 44333 or by email to [planner@summitreworks.com](mailto:planner@summitreworks.com).

Due to COVID-19 restrictions, ReWorks will hold a virtual public hearing, via WebEx, to obtain oral comments regarding the draft Solid Waste Management Plan Update on Tuesday, November 17, 2020, at 10:00AM.

If you wish to provide oral comment, RSVP to [planner@summitreworks.com](mailto:planner@summitreworks.com) by November 16, 2020 by 4:00PM, to receive a weblink or phone number for the virtual public hearing.

The draft plan is available for review on the ReWorks website [www.summitreworks.com](http://www.summitreworks.com).

Due to COVID-19 precautions, a hard copy of the Plan is also available to view by appointment only. Contact ReWorks, by November 24, 2020 by 4pm, at 330-374-0383 or [planner@summitreworks.com](mailto:planner@summitreworks.com) to schedule an appointment.

ReWorks prepared the draft Summit County Solid Waste Management Plan Update 2021 -2036 as required by ORC Section 3734.54. This is an update to the current solid waste management plan for Summit County and documents Summit County's progress in achieving State of Ohio waste reduction goals and assures adequate landfill capacity for disposal of solid waste for the 15-year planning period. Under this Plan Update, ReWorks does not designate any facilities but reserves the right to designate facilities as authorized by its Board of Directors in accordance with Section 343.014 of the Ohio Revised Code.

The Plan Update also describes the programs and services ReWorks will provide to communities, businesses and the public during the 15-year planning period and the funding mechanism it will use to implement them. Examples of programs and services include Household Hazardous Waste Recycling Center, Document Shredding and Recycling Events, Scrap Tire Collection, Waste and Materials Management Consultations for Businesses, Community Recycling Assistance Grants for local government, Countywide Education and Outreach on Recycling, Composting, Waste Reduction and Other Waste Diversion Activities.

Funding to operate ReWorks and to implement these services will come from a Generation Fee to be assessed on each ton of solid waste generated in Summit County and landfilled in Ohio. Under this Plan Update, the current generation fee of \$5.00 per ton will remain constant.

Please call (330) 374-0383 with any questions regarding the Plan Update or the opportunity to review a copy.

ORIGINATOR: ADMINISTRATION

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
RESOLUTION NO. 71 - 2020**

**A RESOLUTION  
ADOPTING THE SUMMIT COUNTY SOLID WASTE MANAGEMENT PLAN BY THE  
SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY DBA REWORKS FOR  
THE CITY OF MACEDONIA**

**WHEREAS**, the City of Macedonia is located within the Summit/Akron Solid Waste Management Authority; and

**WHEREAS**, the Summit/Akron Solid Waste Management Authority Board of Trustees prepared and adopted or is in the process of adopting a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54, and 3734.55; and

**WHEREAS**, the Summit/Akron Solid Waste Management Authority has provided access to a copy of the draft of the Solid Waste Plan to Council for the City of Macedonia via website ([www.summitreworks.com](http://www.summitreworks.com)) posting on October 27, 2020; and

**WHEREAS**, pursuant to R.C. § 3734.55(B), Council shall approve or disapprove the draft plan within ninety days after receiving a copy of it.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Macedonia, County of Summit and State of Ohio:

**Section 1.** The Council for the City of Macedonia hereby adopts the draft Summit/Akron Solid Waste Management Authority Solid Waste Management Plan, a copy which is referenced and can be obtained as set forth in the document attached hereto and incorporated herein by reference as Exhibit "A."

**Section 2.** That the Clerk be, and is hereby, directed to send a copy of this Resolution to Marcie Kress, Executive Director of the Summit/Akron Solid Waste Management Authority at 2711 W. Market St., Unit 13620, Fairlawn, OH 44333 or e-mailed to [planner@summitreworks.com](mailto:planner@summitreworks.com).

**Section 3.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 4.** Wherefore, this Ordinance shall become effective upon its adoption by Council and signature of the Mayor or as otherwise be provided for in law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council

ORIGINATOR: ADMINISTRATION

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
RESOLUTION NO. 72 - 2020**

**AN EMERGENCY RESOLUTION  
AUTHORIZING AND DIRECTING THE MAYOR AND FINANCE DIRECTOR  
TO ENTER INTO AN AGREEMENT WITH SAGAMORE HILLS TOWNSHIP  
FOR THE USE OF CARES ACT AND OTHER COVID-19 RELATED GRANT MONEY  
TOWARD THE TOWNSHIP'S UPCOMING CONTRACT PAYMENT FOR FIRE  
PROTECTION, EMS AND DISPATCH SERVICES**

**WHEREAS**, the City and Township previously entered into agreements whereby the City provides certain fire protection, EMS and dispatch services to the Township, and the Township agreed to pay the City for such services provided by the City within the territorial jurisdiction of the Township; and

**WHEREAS**, Sagamore Hills Township was awarded CARES Act and other Covid-19 related grant money to be used to cover eligible expenses incurred as a result of the COVID-19 pandemic; and

**WHEREAS**, the Township desires to use, and the City desires to accept, the grant money through a sub-grant agreement between the parties towards the Township's payment for fire protection, dispatch and EMS services as being substantially dedicated to mitigating and/or responding to the COVID-19 pandemic and public health emergency; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Macedonia, County of Summit and State of Ohio:

**Section 1.** The Mayor and Finance Director are hereby directed and authorized to enter into an agreement with Sagamore Hills Township for the use of CARES Act and/or other Covid-19 related grant money substantially in accordance with terms agreeable to the parties thereto.

**Section 2.** The Mayor and Finance Director are hereby directed and authorized to accept such CARES Act and other Covid-19 related grant funding, and to credit those funds towards the Township's Fire, EMS, and Dispatch contract payment for the provision of such services.

**Section 3.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 4.** Wherefore, this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Macedonia and the inhabitants thereof, for the reason that it provides for the daily operation of a municipal department, and provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, it shall take effect and be in force from and after the earliest period allowed by law.



PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council

CITY OF MACEDONIA  
Grant Application

To be completed by the Employer

Employer Name: ROYAL CHEMICAL COMPANY  
Employer Address: 8679 S. FREEWAY DRIVE, MACEDONIA, OH 44056  
Number of current full-time employees or FTE: 89 Projected number of FTE: 120  
Current Payroll: \$ 3.9 MILLION Anticipated new Payroll: \$ 1.5 MILLION  
Current (or extended) lease end date: N/A  
Amount of grant requested: \$ 10,750 ANNUAL Period of grant requested: SEPT 2020 - SEPT 2028

I certify that the above named employer and its affiliates do not owe any delinquent taxes to the State of Ohio or any political subdivision of the State of Ohio.

Signature of Authorized Officer: [Signature] Date: 10/27/2020  
Title: CFO

To be completed by the City

Date of offer: \_\_\_\_\_ Mayor's Signature: \_\_\_\_\_  
Date application returned and accepted by Mayor: \_\_\_\_\_ Initial: \_\_\_\_\_  
Filed with Clerk of Council: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_

**CITY OF MACEDONIA OCCUPANCY AND JOB CREATION PROGRAM  
GRANT AGREEMENT WITH ROYAL CHEMICAL COMPANY**

This Macedonia Occupancy and Job Creation Program Grant Agreement ("the Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the City of Macedonia, an Ohio chartered municipal corporation, located at 9691 Valley View Road, Macedonia, Ohio 44056 ("City") and ROYAL CHEMICAL COMPANY, currently located at 8679 South Freeway Drive, Macedonia, Ohio 44056.

**WHEREAS**, the City has determined pursuant to Ordinance No. 108-2007, and Ordinance No. 81-2009 that it is appropriate to offer grants to businesses moving into the City that create new jobs; and

**WHEREAS**, pursuant to the City's Occupancy and Job Creation Program (sometimes referred to as the "Program"), ROYAL CHEMICAL COMPANY has submitted an application based upon an anticipated payroll of \$1.5 million, excluding benefits, and add an anticipated one-hundred twenty (120) new full time jobs, by the end of this Agreement; and

**WHEREFORE**, the parties desire to set forth their agreement with respect to such matters as follows:

**NOW THEREFORE**, in consideration of the mutual covenants contained in this Agreement, the benefits to be derived by the parties from the execution of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

**1. Purpose.** The Macedonia Occupancy and Job Creation Program was created pursuant to Ordinance No. 108-2007 and amended pursuant to Ordinance No. 81-2009 to provide monetary grants to for-profit businesses occupying or intending to occupy existing industrial and/or commercial property within the City of Macedonia, where that occupancy results in new jobs in the City. The Grant is an annual payment from the City's non-tax revenues equal to a portion of the income tax paid as a result of the new jobs created.

**2. Eligibility.** ROYAL CHEMICAL COMPANY intends to occupy property within the City of Macedonia, and shall be eligible to receive an annual grant payment under the terms of this Agreement based upon the following eligibility and conditions in accordance with the Program:

A. ROYAL CHEMICAL COMPANY is not applying for an Enterprise Zone Tax Incentive.

B. ROYAL CHEMICAL COMPANY will be creating at least 120 new full-time jobs that will result in an anticipated new payroll of \$1.5 million, excluding benefits, within an eight-year period.

C. ROYAL CHEMICAL COMPANY agrees to maintain payroll at \$1.5 million and 120 full-time jobs for the duration of this Agreement. ROYAL CHEMICAL COMPANY further acknowledges that should the existing and new payroll decline from the \$1.5 million, this Agreement may be discontinued or the credit reduced proportionately. Furthermore, ROYAL CHEMICAL COMPANY acknowledges that its failure to maintain the payroll commitment will result in a mandatory discontinuance and termination of this Agreement.

D. ROYAL CHEMICAL COMPANY commits that it will comply with all the laws and ordinances of the City of Macedonia.

E. ROYAL CHEMICAL COMPANY represents and warrants that it does not owe any delinquent taxes to the State of Ohio or any political subdivision of the State of Ohio.

F. ROYAL CHEMICAL COMPANY acknowledges that this Macedonia Occupancy and Job Creation Program has been offered to them prior to their intended move and start of operations within the City of Macedonia.

**3. Schedule of Grant Benefits.** The parties agree that ROYAL CHEMICAL COMPANY, as an eligible Grant recipient, will be entitled to receive an annual grant payment equal to no more than 50% of the total payroll taxes paid to the City of Macedonia for the duration of this Agreement beginning from the date ROYAL CHEMICAL COMPANY establishes payroll and full time jobs are at the stated level of \$1.5 million and 120 new full-time employees, excluding benefits. The payment of all grants to ROYAL CHEMICAL COMPANY, in accordance with Ordinance No. 108-2007 and Ordinance No. 81-2009, will be conditional upon, and subject to, appropriations for non-tax revenues by Council for such payment and such grants may not be in excess of \$18,750 per year.

**4. Duration of Agreement.** This Agreement shall commence as of the September 1, 2020 and will terminate after August 31, 2028. Based upon ROYAL CHEMICAL COMPANY's anticipated annual payroll of \$1.5 million, the duration of this Agreement shall be for eight (8) years.

**5. Annual Reporting.** ROYAL CHEMICAL COMPANY shall be required to provide evidence documenting payroll and employment commitments. This information shall be provided to the City annually on forms provided by the City or otherwise agreed to between the parties. Completed forms will be reviewed by the City of Macedonia Tax Incentive Review Council at their annual meeting. The Tax Incentive Review Council, upon their review, will provide a recommendation to the Mayor and Council regarding the continuance, reduction or discontinuance of this Agreement at that time.

**6. Payback Provision.** In the event ROYAL CHEMICAL COMPANY receives a grant pursuant to this Agreement and subsequently moves their operations from the City during the term of this Agreement, and they thereafter fail to meet their obligations under the terms and

conditions of this Agreement, ROYAL CHEMICAL COMPANY agrees to reimburse the City an amount equal to all benefits received within thirty (30) days of their move from the City.

7. **Non-Transferability or Assignability.** This Agreement is non-transferable or assignable.

8. **Notices.** Any requests, notice, approval, consent or communication given under the terms of this Agreement shall be in writing and shall be delivered by personal delivery, certified or registered mail, postage prepaid, return receipt requested, or by a nationally recognized overnight carrier that guarantees next-day delivery and provides for proof of delivery. Delivery shall be deemed effective upon receipt by the recipient; provided, however, that in the event the delivery of any such notice is refused, such notice shall be deemed to have been delivered for all purposes under this Agreement on the date of such refusal. Such notices shall be directed to the other party as follows:

- A. City of Macedonia  
9691 Valley View Road  
Macedonia, Ohio 44056  
Attn: Finance Director with a copy to Law Director
  
- B. Royal Chemical Company  
8679 South Freeway Drive  
Macedonia, Ohio 44056

Any of the above parties may, from time to time, change their mailing address or designate other or additional parties to receive notice by giving the other parties to this Agreement notice as herein provided.

9. **Entire Agreement.** This Agreement shall constitute the entire agreement of the parties concerning the subject matter hereof and supersede all prior and contemporaneous agreements, undertakings and arrangements concerning such subject matter. This Agreement may be amended or modified only in a written instrument executed on behalf of both parties hereto.

10. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together will constitute one in the same instrument.

11. **No Partnership or Joint Venture.** Nothing in this Agreement shall be construed to create a partnership or joint venture between the City and ROYAL CHEMICAL COMPANY; nor shall the City be deemed to have raised money for or lent its credit to ROYAL CHEMICAL COMPANY.

**IN WITNESS WHEREOF**, the City and ROYAL CHEMICAL COMPANY have hereunto caused this Agreement to be executed by their duly authorized representatives as of the day and year first set forth above.

CITY OF MACEDONIA

\_\_\_\_\_  
Nicholas Molnar, Mayor

ROYAL CHEMICAL COMPANY

By:\_\_\_\_\_

Owner/Authorized Officer or Agent

Approved as to Form:

\_\_\_\_\_  
Mark V. Guidetti, Director of Law  
City of Macedonia, Ohio

**CERTIFICATE OF FISCAL OFFICER**

As Fiscal Officer of the City of Macedonia, Ohio, I certify that the amounts required to meet the obligations of the City under the attached Agreement, have been lawfully appropriated for such purpose, and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances.

DIRECTOR OF FINANCE  
CITY OF MACEDONIA, OHIO

\_\_\_\_\_  
DATE

ORIGINATOR: ADMINISTRATION

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
ORDINANCE NO. 73 - 2020**

**AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A  
MACEDONIA OCCUPANCY AND JOBS CREATION PROGRAM AGREEMENT  
WITH ROYAL CHEMICAL COMPANY**

**WHEREAS**, pursuant to Ordinance No. 108-2007, and Ordinance No. 81-2009, the City of Macedonia’s Occupancy and Jobs Creation Program (“MOJCP”) was established; and

**WHEREAS**, ROYAL CHEMICAL COMPANY is a for-profit business moving into a light-industrial or commercial property in the City of Macedonia, and will employ at least one hundred and twenty (120) full-time employees in the City that will result in an anticipated annual payroll of \$1,500,000.00, excluding benefits, by the end of year eight of the Agreement; and

**WHEREAS**, ROYAL CHEMICAL COMPANY has submitted an application requesting a Grant under the MOJCP in the annual amount of Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750.00) based upon the total new payroll taxes paid to the City of Macedonia for a duration of 8 years; and

**WHEREAS**, pursuant to ROYAL CHEMICAL COMPANY’s application, this Council deems it in the best interest of the City and in accordance with the MOJCP to authorize the Mayor to enter into a Macedonia Occupancy and Jobs Creation Program Grant Agreement with ROYAL CHEMICAL COMPANY.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Macedonia, County of Summit and State of Ohio:

**Section 1.** Council authorizes and directs the Mayor to enter into an agreement with ROYAL CHEMICAL COMPANY based upon the terms and conditions as substantially set forth in the documents attached hereto and incorporated herein by reference as Exhibit “A.”

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 3.** This Ordinance shall take effect upon adoption by Council and signature of the Mayor or after the earliest period allowed by law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council



CITY OF MACEDONIA			November 12, 2020		2020 Amended Annual	
Fund Category	Fund #	Fund Name or Department	Personal Service	Other	Transfers & Advances	Total

An Ordinance making appropriations for the current expenses and other expenditures of the City of Macedonia, Ohio, for the year

Now therefore, be it ordained by the Council of the City of Macedonia, County of Summit, and State of Ohio:

changes

Section 1: That there be appropriated from the following funds:

General	101	<b>General</b>					
		Council (101)	118,600	4,000		122,600	
		Administrative Support (110)	-	1,213,600		1,213,600	
		Mayor's Office (120)	421,100	33,900		455,000	
		IT (125)	131,100	174,100		305,200	
		Finance (130)	353,500	438,000		791,500	
		Mayor's Court (140)	209,800	133,500		343,300	
		Legal (150)	57,100	135,300		192,400	
		Civil Service (160)	5,500	2,600		8,100	
		City Center Service (170)	134,600	262,700		397,300	
		Building & Engineering (180)	386,700	105,200		491,900	
		Service (201)	393,700	221,100		614,800	
		Police (210)	3,007,500	235,600		3,243,100	
		Fire (222)	3,241,500	761,100		4,002,600	
		Dispatch (310)	796,500	40,800		837,300	
	Transfers (321)	-	-	2,213,300	2,213,300		
	Advances (321)	-	-	618,500	618,500		
		<b>Total General Fund (101)</b>	<b>9,257,200</b>	<b>3,761,500</b>	<b>2,831,800</b>	<b>15,850,500</b>	
		total Personal Service + Other		13,018,700			
	102	Emergency Reserve	-	-	-	-	
	103	Unclaimed Monies	-	1,000	-	1,000	
	104	Retirement Reserve	-	50,000	-	50,000	
	105	Refund Program	-	200,000	100,000	300,000	
	106	Technology Advancement	-	100,000	-	100,000	
Special Revenue	201	<b>Street Construction Maintenance &amp; Repair (S,C,M&amp;R)</b>					
		Street Maintenance & Repair (350)	875,300	208,800	-	1,084,100	
		Salt (352) & Traffic Signals (353)	-	108,000	-	108,000	
		Street Mechanic & Signs Maintenance (354) (355)	395,300	264,300	-	659,600	
		<b>Total S,C,M&amp;R Fund (201)</b>	<b>1,270,600</b>	<b>581,100</b>	<b>-</b>	<b>1,851,700</b>	
		202	State Highway Improvement	-	70,500	-	70,500
		203	Permissive License Tax	-	-	359,000	359,000
		204	<b>Parks &amp; Recreation</b>				
			Parks (203)	226,000	107,600	-	333,600
			Recreation (204) Parks Programming	132,000	57,000	-	189,000
			<b>Total Parks &amp; Recreation Fund (204)</b>	<b>358,000</b>	<b>164,600</b>	<b>-</b>	<b>522,600</b>
		205	Family Recreation Center	692,700	680,500	-	1,373,200
		207	Spirit of Macedonia Festival	-	35,000	-	35,000
		210	Water Maintenance & Expansion	25,300	124,700	104,834.39	254,834.39
		211	Fire Operating Levy	-	-	106.29	106.29
		212	Motor Vehicle License Tax	-	110,000	-	110,000
		213	Police Pension	-	135,000	-	135,000
		215	Indigent Drivers	-	-	-	-
		216	Drug Law Enforcement	-	5,000	-	5,000
		217	Law Enforcement & Education	-	2,500	-	2,500
		218	CDBG Grant	-	2,000	-	2,000
		220	Mayor's Court Computer	-	10,300	-	10,300
		221	F.A.I.R. Program	-	5,000	-	5,000
		223	Subdivision Tree	-	2,000	-	2,000
		224	Wireless 911	-	2,500	-	2,500
		225	Petro UST	-	1,000	-	1,000
		226	Police Donation	-	100	-	100
		233	Quiet Zone Maintenance	-	5,000	-	5,000
		259	A.R.R.A. Program	-	1,000	-	1,000
		260	Federal Fire Grant	-	1,000	-	1,000
		262	Law Enforcement Trust	-	2,500	-	2,500
		263	Federal Equity Share	-	25,000	-	25,000
		264	Local Coronavirus Relief	771,994.32	-	-	771,994.32
		265	Local Corona Relief	339,611.52	-	-	339,611.52
		280	Safety Services	675,500	866,500	190,800	1,732,800
		<b>Total Special Revenue Funds</b>	<b>4,133,705.84</b>	<b>2,832,800</b>	<b>654,740.68</b>	<b>7,621,246.52</b>	

CITY OF MACEDONIA			November 12, 2020		2020 Amended Annual	
Fund Category	Fund #	Fund Name or Department	Personal Service	Other	Transfers & Advances	Total
Debt Service	301	General Obligation Bond Retirement	-	5,770,900	-	5,770,900
	302	Special Assessment Bond Retirement	-	296,300	-	296,300
	304	Other Debt - (OPWC, State Infrastructure Bank, leases)	-	574,400	-	574,400
		Total Debt Service Funds	-	6,641,600	-	6,641,600
Capital Project	401	Capital Improvement	-	1,460,500	543,500	2,004,000
	405	Road Program	-	2,535,300	743,100	3,278,400
	422	Shepard Road Sanitary Sewer	-	-	7,457.79	7,457.79
	423	Municipal Property	-	-	-	-
	424	Longwood Park Improvements	-	400	-	400
	427	Manor House Renovation	-	-	-	-
	470	Summit Pointe TIF	-	650,000	-	650,000
	471	The Avenue TIF	-	1,000	49,000	50,000
	472	Macedonia Shoppes TIF	-	500	9,500	10,000
	473	Maguire Property TIF	-	100	4,900	5,000
	474	Ambassadors Football TIF	-	-	-	-
	475	Culver's TIF	-	-	-	-
	476	KFC TIF	-	-	-	-
		Total Capital Project Funds	-	4,647,800	1,357,457.79	6,005,257.79
Non-Budgetary	206	Parks & Recreation Trust	-	170,000	-	170,000
	702	Revolving Payroll Escrow	-	-	-	-
	710	Escrow Deposits	-	-	-	-
	711	Mayor's Court	-	-	-	-
	712	Community Room Deposits	-	-	-	-
	714	JEDD Northfield Center	-	386,500	-	386,500
	715	Mayor's Court Bond	-	-	-	-
	725	Refund Program	-	-	-	-
	780	Boston Hts EMS Collection	-	-	-	-
		Total Non-Budgetary Funds	-	556,500	-	556,500
Total All Funds			13,390,906	18,791,200.00	4,943,998.47	37,126,104.31
Transfers				32,182,105.84		
		General (101) to Retirement Reserve (104)			50,000	
		General (101) to Technology Advancement (106)			100,000	
		General (101) to Street Construction (201)			850,000	
		General (101) to Parks & Recreation (204)			75,000	
		General (101) to Family Recreation Center (205)			200,000	
		General (101) to General Bond Retirement (301)			272,700	
		General (101) to Other Debt (304)			505,300	
		General (101) to Capital Improvements (401)			115,000	
		General (101) to Road Program (405)			45,300	
		General (101) to Municipal Property (423)			-	
		Refund Program (105) to Technology Advancement (106)			-	
		Refund Program (105) to Parks & Recreation Trust (206)			100,000	
		Permissive License Tax (203) to Road Program (405)			359,000	
		Water Maintenance & Expansion (210) to General (101)			104,834.39	
		Fire Operating Levy (211) to Safety / Service (280)			106.29	
		Safety Services (280) to General Bond Retirement (301)			190,800	
		Road Program (405) to General Bond Retirement (301)			674,000	
		Road Program (405) to Other Debt (304)			69,100	
		Shepard Road Sanitary Sewer (422) to Road Program (405)			7,457.79	
	The Avenue TIF (471) to Road Program (405)			49,000		
	Macedonia Shoppes TIF (472) to Road Program (405)			9,500		
	Maguire Property TIF (473) to Road Program (405)			4,900		
	Total Transfers			3,781,998.47		
Advances		General Fund (101) to Special Assessment Bond Retirement Fund (302)			75,000	
		General Fund (101) to Capital Improvement Fund (401)			543,500	
		Capital Improvement Fund (401) to General Fund (101)			543,500	
	Total Advances			1,162,000		

ORIGINATOR: FINANCE DEPARTMENT

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
ORDINANCE NO. 74 - 2020**

**AN ORDINANCE  
AMENDING ORDINANCE NO. 92-2019 RELATIVE TO CURRENT EXPENSES AND  
OTHER EXPENDITURES OF THE CITY OF MACEDONIA FOR THE PERIOD OF  
JANUARY 1, 2020 TO DECEMBER 31, 2020**

**WHEREAS**, it is necessary to amend Ordinance No. 92-2019, to make certain adjustments of the allocation of funds to facilitate various necessary operating expenses of the City of Macedonia.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Macedonia, County of Summit, State of Ohio:

**Section 1.** That Ordinance No. 92-2019 is hereby further amended, with the additions or reductions be made to the current accounts as set forth in the document attached hereto as Exhibit “A” and incorporated herein by reference.

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 3.** Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council

CITY OF MACEDONIA			November 12, 2020		2021 Annual	
Fund Category	Fund #	Fund Name or Department	Personal Service	Other	Transfers & Advances	Total

An Ordinance making appropriations for the current expenses and other expenditures of the City of Macedonia, Ohio, for the year

Now therefore, be it ordained by the Council of the City of Macedonia, County of Summit, and State of Ohio:

changes

Section 1: That there be appropriated from the following funds:

General	101	<b>General</b>					
		Council (101)	123,600	4,000		127,600	
		Administrative Support (110)	-	1,213,600		1,213,600	
		Mayor's Office (120)	433,600	33,900		467,500	
		IT (125)	133,100	174,100		307,200	
		Finance (130)	368,000	438,000		806,000	
		Mayor's Court (140)	212,300	133,500		345,800	
		Legal (150)	57,600	135,300		192,900	
		Civil Service (160)	5,500	2,600		8,100	
		City Center Service (170)	134,600	262,700		397,300	
		Building & Engineering (180)	386,700	105,200		491,900	
		Service (201)	393,700	221,100		614,800	
		Police (210)	3,094,500	235,600		3,330,100	
		Fire (222)	3,523,500	761,100		4,284,600	
		Dispatch (310)	796,500	40,800		837,300	
	Transfers (321)	-	-	2,460,000	2,460,000		
	Advances (321)	-	-	-	-		
		<b>Total General Fund (101)</b>	<b>9,663,200</b>	<b>3,761,500</b>	<b>2,460,000</b>	<b>15,884,700</b>	
		total Personal Service + Other		<b>13,424,700</b>			
	102	Emergency Reserve	-	-	-	-	
	103	Unclaimed Monies	-	1,000	-	1,000	
	104	Retirement Reserve	-	50,000	-	50,000	
	105	Refund Program	-	200,000	-	200,000	
	106	Technology Advancement	-	100,000	-	100,000	
Special Revenue	201	<b>Street Construction Maintenance &amp; Repair (S,C,M&amp;R)</b>					
		Street Maintenance & Repair (350)	861,300	208,800	-	1,070,100	
		Salt (352) & Traffic Signals (353)	-	108,000	-	108,000	
		Street Mechanic & Signs Maintenance (354) (355)	395,300	264,300	-	659,600	
		<b>Total S,C,M&amp;R Fund (201)</b>	<b>1,256,600</b>	<b>581,100</b>	<b>-</b>	<b>1,837,700</b>	
		202	State Highway Improvement	-	35,500	-	35,500
		203	Permissive License Tax	-	-	-	-
		204	<b>Parks &amp; Recreation</b>				
			Parks (203)	226,000	107,600	-	333,600
			Recreation (204) Parks Programming	132,000	51,900	-	183,900
			<b>Total Parks &amp; Recreation Fund (204)</b>	<b>358,000</b>	<b>159,500</b>	<b>-</b>	<b>517,500</b>
		205	Family Recreation Center	692,700	680,500	-	1,373,200
		207	Spirit of Macedonia Festival	-	35,000	-	35,000
		210	Water Maintenance & Expansion	25,300	124,700	-	150,000.00
		212	Motor Vehicle License Tax	-	85,000	-	85,000
		213	Police Pension	-	135,000	-	135,000
		215	Indigent Drivers	-	-	-	-
		216	Drug Law Enforcement	-	5,000	-	5,000
		217	Law Enforcement & Education	-	2,500	-	2,500
		218	CDBG Grant	-	2,000	-	2,000
		220	Mayor's Court Computer	-	10,300	-	10,300
		221	F.A.I.R. Program	-	50,000	-	50,000
		223	Subdivision Tree	-	2,000	-	2,000
		224	Wireless 911	-	2,500	-	2,500
		225	Petro UST	-	1,000	-	1,000
		226	Police Donation	-	100	-	100
		233	Quiet Zone Maintenance	-	5,000	-	5,000
		259	A.R.R.A. Program	-	1,000	-	1,000
	260	Federal Fire Grant	-	1,000	-	1,000	
	262	Law Enforcement Trust	-	2,500	-	2,500	
	263	Federal Equity Share	-	25,000	-	25,000	
	264	Local Coronavirus Relief	-	-	-	-	
	265	Local Corona Relief	-	-	-	-	
	280	Safety Services	690,500	452,000	305,000	1,447,500	
		<b>Total Special Revenue Funds</b>	<b>3,023,100</b>	<b>2,398,200</b>	<b>305,000</b>	<b>5,726,300</b>	

CITY OF MACEDONIA			November 12, 2020		2021 Annual	
Fund Category	Fund #	Fund Name or Department	Personal Service	Other	Transfers & Advances	Total
Debt Service	301	General Obligation Bond Retirement	-	1,240,800	-	1,240,800
	302	Special Assessment Bond Retirement	-	287,300	-	287,300
	304	Other Debt - (OPWC, State Infrastructure Bank, leases)	-	486,700	-	486,700
		Total Debt Service Funds	-	2,014,800	-	2,014,800
Capital Project	401	Capital Improvement	-	536,000	543,500	1,079,500
	405	Road Program	-	1,066,500	736,400	1,802,900
	423	Municipal Property	-	-	-	-
	424	Longwood Park Improvements	-	900	-	900
	427	Manor House Renovation	-	100	-	100
	470	Summit Pointe TIF	-	750,000	-	750,000
	471	The Avenue TIF	-	1,000	49,000	50,000
	472	Macedonia Shoppes TIF	-	500	9,500	10,000
	473	Maguire Property TIF	-	100	4,900	5,000
	474	Ambassadors Football TIF	-	-	-	-
	475	Culver's TIF	-	-	-	-
	476	KFC TIF	-	-	-	-
		Total Capital Project Funds	-	2,355,100	1,343,300	3,698,400
Non-Budgetary	206	Parks & Recreation Trust	-	58,000	-	58,000
	702	Revolving Payroll Escrow	-	-	-	-
	710	Escrow Deposits	-	-	-	-
	711	Mayor's Court	-	-	-	-
	712	Community Room Deposits	-	-	-	-
	714	JEDD Northfield Center	-	400,000	-	400,000
	715	Mayor's Court Bond	-	-	-	-
	725	Refund Program	-	-	-	-
	780	Boston Hts EMS Collection	-	-	-	-
		Total Non-Budgetary Funds	-	458,000	-	458,000
Total All Funds			12,686,300	11,338,600	4,108,300	28,133,200
Transfers	General (101) to Retirement Reserve (104)					50,000
	General (101) to Technology Advancement (106)					100,000
	General (101) to Street Construction (201)					900,000
	General (101) to Parks & Recreation (204)					75,000
	General (101) to Family Recreation Center (205)					200,000
	General (101) to Parks & Recreation Trust (206)					50,000
	General (101) to General Bond Retirement (301)					270,000
	General (101) to Other Debt (304)					400,000
	General (101) to Capital Improvements (401)					415,000
	General (101) to Road Program (405)					-
	General (101) to Municipal Property (423)					-
	Permissive License Tax (203) to Road Program (405)					-
	Safety Services (280) to General Bond Retirement (301)					305,000
	Road Program (405) to General Bond Retirement (301)					675,400
	Road Program (405) to Other Debt (304)					61,000
	The Avenue TIF (471) to Road Program (405)					49,000
	Macedonia Shoppes TIF (472) to Road Program (405)					9,500
Maguire Property TIF (473) to Road Program (405)					4,900	
	Total Transfers					3,564,800
Advances	General Fund (101) to Special Assessment Bond Retirement Fund (302)					-
	General Fund (101) to Capital Improvement Fund (401)					-
	Capital Improvement Fund (401) to General Fund (101)					543,500
	Total Advances					543,500

ORIGINATOR: ADMINISTRATION/FINANCE DEPARTMENT

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
ORDINANCE NO. 75 - 2020**

**AN ORDINANCE  
PROVIDING FOR THE 2021 ANNUAL APPROPRIATIONS FOR THE CITY OF  
MACEDONIA, OHIO**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Macedonia, County of Summit and State of Ohio, that:

**Section 1.** To provide for the current expenses and other expenditures of the City of Macedonia, Ohio during the fiscal year ending December 31, 2021, the following sums are hereby set aside and appropriated as set forth in the document attached hereto as Exhibit “A” and incorporated herein by reference.

**Section 2.** The Director of Finance is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore approved by the board of officers authorized by law to approve the same or an ordinance or resolution of Council to make expenditures; provide that no warrants shall be drawn or paid for salaries or wages except for persons employed by authority of and in accordance with law or ordinance.

**Section 3.** The Clerk of Council shall forward a certified copy of the ordinance to the Summit County Fiscal Officer.

**Section 4.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 5.** Wherefore, this Ordinance shall become effective upon its adoption by Council and signature of the Mayor or as otherwise be provided for in law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council

ORIGINATOR: FINANCE DEPARTMENT

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
ORDINANCE NO. 76 -2020**

**AN ORDINANCE DECLARING IMPROVEMENTS TO A CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE WHICH DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A CLEANLAND MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43; AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 authorize this Council to describe public improvements to be made which will benefit parcels of real property, to declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of years, and to provide for the making of service payments in lieu of taxes by the owner of such parcels and to establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

**WHEREAS**, to improve the flow of traffic in and around the parcels described in the attached **Exhibit A**, as such parcels may be consolidated or split (the “Property”), this Council may cause construction of the public improvements described in the attached **Exhibit B** (collectively, the “Public Improvements”), that once made will directly benefit the Property and the City and its residents; and

**WHEREAS**, the City has determined that it is necessary and appropriate and in the City’s best interest to provide for service payments in lieu of taxes with respect to the Property pursuant to Ohio Revised Code Section 5709.42 (the “Service Payments”) to pay the costs of the Public Improvements; and

**WHEREAS**, the Property is located within the boundaries of the Nordonia Hills City School District and within the service area of the Cuyahoga Valley Career Center (together, the “School Districts”), and the School Districts have been notified of the City’s intent to pass this Ordinance in accordance with Ohio Revised Code Sections 5709.40(D) and 5709.83, as applicable to each; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Macedonia, Summit County, Ohio, that:

**Section 1.** The Public Improvements described in the attached **Exhibit B**, if made or caused to be made by the City, are designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property, and are determined to be necessary for the public health, safety and welfare of the City and its residents.

**Section 2.** Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is referred to in this Ordinance as the “Improvement” or “Improvements” as defined in Ohio Revised Code Section 5709.40) is a public purpose, and 100% of that Improvement is declared to be a public purpose for a period of 30 years and exempt from taxation commencing with the tax year following the year in which this Ordinance is passed and ending on the earlier of (a) the date the Improvements have been exempted from taxation for a period of 30 years or (b) the date on which the City has collected into the Fund established in Section 4 hereof a total amount of Service Payments available for and sufficient to pay the costs provided in Section 4 hereof; provided, however, that Service Payments shall be paid to the Nordonia Hills City School District and the

Cuyahoga Valley Career Center in the amount of the taxes that would have been payable to the Nordonia Hills City School District and the Cuyahoga Valley Career Center, as applicable, if the Improvements had not been exempted from taxation.

**Section 3.** As provided in Ohio Revised Code Section 5709.42, the owner or owners of the Improvements are required to, and shall make, annual Service Payments to the County Fiscal Officer on or before the final dates for payment of real property taxes due and payable with respect to the Improvements. In accordance with Ohio Revised Code Section 5709.42, the County Fiscal Officer is requested to distribute a portion of the Service Payments directly to the Nordonia Hills City School District and to the Cuyahoga Valley Career Center in the amounts equal to the real property tax payments that the two School Districts would have received respectively had the Improvements not been exempted from real property taxation pursuant to this Ordinance. The Service Payments, when distributed to the City by the County Fiscal Officer, shall be deposited in the Cleanland Tax Increment Equivalent Fund established in Section 4 hereof. This Council authorizes the Mayor, Finance Director and City Law Director, and other appropriate officers of the City, to provide such information and certifications and to execute and deliver or accept delivery of such instruments as are necessary and incidental to collection of those Service Payments, and to make such arrangements as are necessary and proper for payment of those Service Payments.

**Section 4.** This Council establishes pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the Cleanland Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments distributed to the City with respect to the Improvements, by or on behalf of the County Fiscal Officer as provided in Ohio Revised Code Section 5709.42, and provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes:

- (a) to pay any or all acquisition, construction, installation or financing costs, and any or all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);
- (b) to pay the interest on, principal of, and any premium on bonds or notes or other obligations, including refunding bonds or notes or other obligations issued by the City or other authorized entity, to finance costs of the Public Improvements until such notes or bonds or other obligations are paid in full;
- (c) to reimburse the City for any funds used by the City to pay costs of the Public Improvements; or
- (d) to pay, or to apply or transfer funds toward the payment of interest, principal or premium on any of the aforesaid notes, bonds, loans or other obligations prior to receipt of Service Payments.

The Fund shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved in accordance with Ohio Revised Code Section 5709.43.

**Section 5.** Pursuant to Ohio Revised Code Section 5709.40, the Clerk of Council is directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within 15 days after its passage. On or before March 31st of each year that the exemption set forth in Section 3 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Ohio Revised Code Section 5709.40.

**Section 6.** This Council determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

**Section 7.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective to provide funding for the Public Improvements so that such Public Improvements can be constructed, thereby providing



immediately necessary public road improvements; wherefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council

**EXHIBIT A**

**PROPERTY**

City of Macedonia  
Cleanland TIF Parcels

Parcel No. 3001855

Parcel No. 3301281

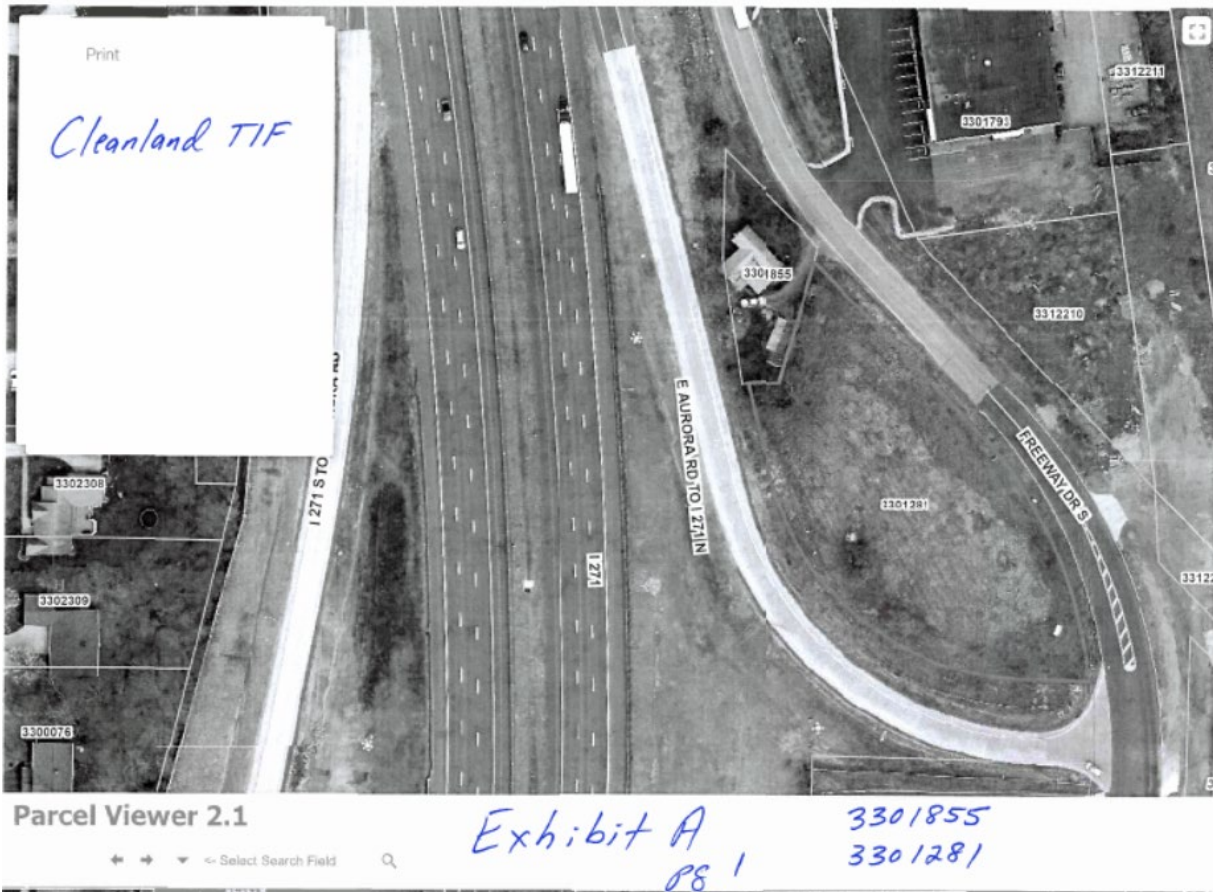


Exhibit A pg 2

**NOTE:** due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors

**RES** Brilliant Electric Sign Co., Ltd.  
4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216)741-3800

SECTION	SECTION NO.
6/30/20up	820-488
DATE	DATE
6/23/20	6/23/20
SCALE	SCALE
3/4"=1'-0"	3/4"=1'-0"
DRAWN BY	DRAWN BY
CP	CP
CHECKED BY	CHECKED BY
FILE NAME	checkboxes cleanland sign 4

**SIGN 4**  
SIGN ELEVATION: 3/4" = 1'-0"

**Notes**  
Manufacture & install one (1) set of internally illuminated, LED channel letters & car outline; all to be flush mounted to the wall; remote power supplies

- Letters & car outline to have white 2447 Plexiglas faces with first surface, translucent vinyls; "CLEAN," to be blue 3830-38; "LAND," to be olympic blue 3830-67; "CAR WASH," & car outline to be lime green 3830-136
- All trim & returns to be painted white

RATED 120 VOLTS

RENDERING NTS

SOUTH ELEVATION

## EXHIBIT B

### CLEANLAND TIF

#### DESCRIPTION OF THE PUBLIC IMPROVEMENTS

1. S. Freeway Drive Replacement, Rebuilding and Resurfacing. S. Freeway Drive from northern terminus to Route 82 will be resurfaced, replaced, upgraded or rebuilt, including providing new and additional lanes where needed including the necessity of purchasing property for public use. Existing utilities including storm and sanitary sewers will be relocated or expanded and street lighting, streetscaping, landscaping, new traffic signalization and all other necessary appurtenances to said road replacement, resurfacing and rebuilding will be installed. The Public Improvements may include bicycle paths and walking paths.
2. S. Bedford Replacement, Rebuilding and Resurfacing. S. Bedford southern terminus to Route 82 will be resurfaced, replaced, upgraded or rebuilt, including providing new and additional lanes where needed including the necessity of purchasing property for public use. Existing utilities including storm and sanitary sewers will be relocated or expanded and street lighting, streetscaping, landscaping, new traffic signalization and all other necessary appurtenances to said road replacement, resurfacing and rebuilding will be installed. The Public Improvements may include bicycle paths and walking paths.
3. Route 82 Replacement, Rebuilding and Resurfacing. Route 82 from western to eastern terminus will be resurfaced, replaced, upgraded or rebuilt, including providing new and additional lanes where needed including the necessity of purchasing property for public use. Existing utilities including storm and sanitary sewers will be relocated or expanded and street lighting, streetscaping, landscaping, new traffic signalization and all other necessary appurtenances to said road replacement, resurfacing and rebuilding will be installed. The Public Improvements may include bicycle paths and walking paths.
4. Route 8 Replacement, Rebuilding and Resurfacing. Route 8 from northern to southern terminus will be resurfaced, replaced, upgraded or rebuilt, including providing new and additional lanes where needed including the necessity of purchasing property for public use. Existing utilities including storm and sanitary sewers will be relocated or expanded and street lighting, streetscaping, landscaping, new traffic signalization and all other necessary appurtenances to said road replacement, resurfacing and rebuilding will be installed. The Public Improvements may include bicycle paths and walking paths.











ORIGINATOR: SERVICE DEPARTMENT

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
RESOLUTION NO. 77-2020**

**A RESOLUTION  
AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL PROPERTY BY THE  
SERVICE DEPARTMENT OF THE CITY OF MACEDONIA IN ACCORDANCE WITH  
CITY OF MACEDONIA CODIFIED ORDINANCE SECTION 121.05 AND  
OHIO REVISED CODE SECTION 721.15**

**WHEREAS**, the Service Department of the City of Macedonia is in possession of various vehicles which are owned by the City and are no longer needed for public use, or are obsolete or unfit for the use for which they were acquired; and

**WHEREAS**, City Codified Ordinance Section 121.05 as well as Section 721.15 of the Ohio Revised Code provides for the disposition of personal municipal property including vehicles which are obsolete, no longer needed, or unfit for public use, or for the use for which the property was acquired, including the disposition of such property via internet auction to be authorized by the legislative authority of the municipal corporation; and

**WHEREAS**, Council desires to dispose of such municipal property by way of internet auction pursuant to City Codified Ordinance 121.05 and Ohio Revised Code Section 721.15; and

**WHEREAS**, Council deems it necessary and in the best interest to the health, safety and welfare of all City residents to dispose of such municipal property by internet auction.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Macedonia, Summit County and State of Ohio:

**Section 1.** Certain municipal property that is currently in the possession of the City Service Department, for which the Service Director recommends disposition by internet auction after having determined that such property is no longer needed for public use, or is obsolete or unfit for the use for which it was acquired, is depicted in the documents attached hereto and incorporated herein by reference as Exhibit "A," and further identified as a 2007 Ford Edge having approximately 70,000 miles and an approximate value of \$3,000.00, as well as a 2013 Ford Explorer (K-9) having approximately 140,000 miles and valued at approximately \$2,000.00.

**Section 2.** Upon review of the information provided by the City Service Department and its Director, Council hereby authorizes the sale of the property set forth in Exhibit "A" by internet auction, such property being no longer needed for public use, or obsolete or unfit for the use for which it was acquired.

**Section 3.** The sale of the property shall be conducted by the Service Director through the internet auction site:

Fast Track Auction  
160 Liberty Court  
Elyria, OH 44035  
[www.fasttrackauction.com](http://www.fasttrackauction.com)

**Section 4.** The municipal property sold by internet auction shall be available for public bid for a minimum of fifteen (15) calendar days, including Saturdays, Sundays and legal holidays, shall be allotted for bidding, and the property shall have minimum reserve pricing as set forth in Exhibit "A."

**Section 5.** To the extent such property not sold at internet auction and has no value, such property may be discarded or salvaged.

**Section 6.** It is found and determined that all the formal action of this Council concerning and relating to the adoption of the Resolution was adopted in an open meeting of this Council, and that all deliberations of the Council, and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements.

**Section 7.** Wherefore, this Resolution shall become effective upon its adoption by Council and signature of the Mayor or as otherwise be provided for in law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska Clerk of Council



**MEDICAL RENEWAL - Effective January 1, 2021**

Medical/Rx	CIGNA Current		CIGNA Renewal		OGEC	
	HRA Open Access Plus*		HRA Open Access Plus*		HRA Open Access Plus*	
	Network	Non-Network	Network	Non-Network	Network	Non-Network
Plan Calendar Year Deductible	\$2,000	\$7,500	\$2,000	\$7,500	\$2,000	\$7,500
Single	\$6,000	\$15,000	\$6,000	\$15,000	\$6,000	\$15,000
Family						
Coinsurance	100%	50%	100%	50%	100%	50%
Out-of-Pocket Max	\$4,000	\$15,000	\$4,000	\$15,000	\$4,000	\$15,000
Single	\$6,850	\$30,000	\$6,850	\$30,000	\$6,850	\$30,000
Family	\$25/\$50 - No Ded.	Ded.-50%	\$25/\$50 - No Ded.	Ded.-50%	\$25/\$50 - No Ded.	Ded.-50%
Primary Care Physician/Specialist	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%
Inpatient Hospital	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%
Diagnostic Lab & X-ray	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%
Outpatient Surgery	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%
Preventive Office Visits	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%	Ded.-100%	Ded.-50%
Emergency Room	\$250 Copay - No Deductible		\$250 Copay - No Deductible		\$250 Copay after Ded.	
Urgent Care	\$75 Copay - No Ded.	Ded.-50%	\$75 Copay - No Ded.	Ded.-50%	\$75 Copay - No Ded.	Ded.-50%
Rx Plan	Retail/Mail Order	Non-Network	Retail/Mail Order	Non-Network	Retail/Mail Order	Non-Network
Tier 1	\$0/\$0	50%	\$0/\$0	50%	\$0/\$0	50%
Tier 2	\$0/\$0	50%	\$0/\$0	50%	\$0/\$0	50%
Tier 3	\$0/\$0	50%	\$0/\$0	50%	\$0/\$0	50%
Tier 4	\$0/\$0	50%	\$0/\$0	50%	\$0/\$0	50%
Days Supply	30 Days	90 Days	30 Days	90 Days	30 Days	90 Days
Wellness funds	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
Notes						
EE	RATES		RATES		REVISED RATES*	
EE & Sp	\$628.01		\$700.25		\$684.79	
EE & Ch	\$1,318.82		\$1,470.52		\$1,320.31	
Family	\$1,193.21		\$1,330.46		\$1,113.30	
Administrative Credit	\$1,684.03		\$2,100.75		\$1,760.21	
Monthly Annual Total	\$127,360.31		\$142,010.44		\$123,394.29	
	\$1,528,323.72		\$1,704,125.28		\$1,480,731.48	
			12%		-3.11%	

ORIGINATOR: ADMINISTRATION

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
ORDINANCE NO. 78 - 2020**

**AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO  
GOVERNMENT BENEFIT COOPERATIVE TO PROVIDE HEALTH INSURANCE  
COVERAGE FOR ELIGIBLE CITY OF MACEDONIA EMPLOYEES**

**WHEREAS**, it has been deemed necessary and in the best interest of the City of Macedonia to provide health insurance coverage to the City’s eligible employees; and

**WHEREAS**, the City’s administration has recommended the Ohio Government Benefit Cooperative (“OGBC”) as the best entity through which such benefits may be provided; and

**WHEREAS**, health insurance coverage shall be provided by OGBC beginning and effective on January 1, 2021, and Council wishes to authorize the Mayor to enter into a contract to provide for such benefits; and

**WHEREAS**, the City previously and separately entered into an approximately two-year contract with Ameritas in 2019 to provide Dental and Vision benefits to eligible employees.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Macedonia, County of Summit and State of Ohio:

**Section 1.** That the Mayor is authorized and directed to enter into a contract with OGBC for the provision of health insurance coverage for eligible employees beginning January 1, 2021 in accordance with the document attached as Exhibit “A” and incorporated herein by reference.

**Section 2.** That the Mayor, Human Resources, and Finance Departments are directed to undertake all actions to finalize such agreement(s) for year 2021.

**Section 3.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 4.** Wherefore, this Ordinance shall become effective upon its adoption by Council and signature of the Mayor or as otherwise be provided for in law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council

**537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, TOBACCO PRODUCTS, OR VAPOR PRODUCTS AND POSSESSION AND USE BY MINORS.**

(a) Definitions.

- (1) “Cigarettes” include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet or any similar materials.
- (2) “Tobacco products” means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. “Tobacco product” also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. “Tobacco product” does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- (3) Vapor product” means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Ohio Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. “Vapor product” includes any

component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. “Vapor product” does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). “Vapor product” includes any product containing nicotine regardless of concentration.

(A) “Electronic smoking device” or “electronic nicotine delivery system” means noncombustible tobacco products, including vapes, vaporizers, vape pens, hookah pens, electronic cigarettes (also known as ‘e-cigarettes’ or ‘e-cigs’), and e-pipes that deliver an aerosolized or vaporized e-liquid that may contain nicotine, as well as varying compositions of flavorings, propylene glycol, vegetable glycerin, and other ingredients

(B) “Component, part, or additive” with respect to an electronic nicotine delivery system, means the objects intended or reasonably expected to be used with, or for, the human consumption of a tobacco product that are not accessories.

(4) “Sale” includes delivery, barter, exchange, transfer or gift, or offer thereof and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(5) “Possess” or “possession” means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(6) As used in this section, “vending machine” has the same meaning as “coin machine” as defined in Section 545.01.

(b) Sale to a Person Under 21 Prohibited.

(1) “Person Under 21” means a natural person who has not yet reached the age of twenty-one (21) years of age.

(2) No manufacturer, producer, distributor, wholesaler or retailer of cigarettes, tobacco products, or vapor products as defined in this section, or any other agency, employee, representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes, tobacco products, or vapor products as defined in this section shall do any of the following:

(A) Give, sell or otherwise distribute cigarettes, tobacco products, or vapor products as defined in this section to a Person Under 21;



(B) Give away, sell or distribute cigarettes, tobacco products, or vapor products as defined in this section in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, tobacco products, or vapor products as defined in this section to a Person Under 21 is prohibited by law.

(c) Sales from Vending Machines.

(1) No person shall sell or offer to sell cigarettes, tobacco products, or vapor products as defined in this section, by or from a vending machine except in the following locations:

(A) An area either:

1. Within a factory, business, office or other place not open to the general public; or
2. To which a Person Under 21 is not generally permitted access;

(B) In any other place not identified in subsection (b)(1) hereof, upon all of the following conditions:

The vending machine is located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place or any employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer waiting area, shall not be considered located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person.

(C) The vending machine is inaccessible to the public when the place is closed.

(d) Posting Age Warning Signs.

(1) Every person in control of any place within the City where cigarettes, tobacco products, or vapor products as defined in this section are sold, whether by a person or by a vending machine, shall display at all times, in a prominent place on the premises thereof, or in a prominent place on such cigarettes, tobacco products, or vapor products vending machine a printed sign which shall read substantially as follows:

”WARNING TO PERSONS UNDER AGE”

If you are under the age of twenty-one and if you order, pay for, share the cost of, attempt to purchase, possess or use any cigarettes, tobacco products, or vapor products as defined in this section, or if you furnish false information as to your name, age or other identification, you are subject to punishment in the Juvenile Court of Summit County, Ohio or court having proper jurisdiction.

(2) No person selling cigarettes, tobacco products, or vapor products as defined in this section shall fail to comply with this section.

(e) Responsibility of Owner, Lessee, Agent, or Employee. No owner or lessee of a building or premises, no owner or lessee of a cigarettes, tobacco products, or vapor products vending machine, or their employees or agent shall knowingly allow or permit cigarettes of other tobacco products to be sold, distributed or given away in violation of the provisions of this section.

(f) Possession and Use by Persons Under 21 Prohibited.

(1) No person shall give, sell, transfer or otherwise distribute cigarettes, tobacco products, or vapor products as defined in this section to a Person Under 21.

(2) No Person Under 21 shall smoke, use, or possess cigarettes, tobacco products, or vapor products as defined in this section. .

(3) No Person Under 21 shall order, pay for, purchase, share the cost of or attempt to purchase cigarettes, tobacco products, or vapor products as defined in this section..

(4) No Person Under 21 shall knowingly show or give false information concerning his name, age or other identification for the purpose of purchasing or otherwise obtaining cigarettes, tobacco products, or vapor products as defined in this section in any place in the City where cigarettes, tobacco products, or vapor products as defined in this section are sold.

(5) No person shall knowingly furnish any false information as to the name, age or other identification any Person Under 21 for the purpose of obtaining, or with the intent to obtain, cigarettes, tobacco products, or vapor products as defined in this section for a Person Under 21, by purchase or as a gift.

(g) Immunity. No person may be found guilty of violation of the provisions of this chapter where age is an element of the offense, if any court determines that the individual buying, at the time of so doing, exhibited to the aforesaid person, his agent or employee, a driver's license or commercial driver's license showing that such individual was then of legal age to buy cigarettes, tobacco products, or vapor products as defined in this section ; and if such person made a bona fide effort to ascertain the true age of the individual buying by checking the identification presented at the time of purchase; to ascertain that the description of the identification presented compared with the visual description of the buyer and identification presented had not been altered in any way and if the aforesaid person had reason to believe that the individual buying was of legal age.

(h) Penalty.

(1) Whoever violates subsections (b), (c), (d) or (e) hereof is guilty of illegal distribution of cigarettes, tobacco products, or vapor products as defined in this section, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of any division of this section, then illegal distribution of cigarettes, tobacco products, or vapor products as defined in this section is a misdemeanor of the third degree.

(2) Whoever violates subsection (f) hereof is guilty of underage tobacco prohibition, a minor misdemeanor. If the offender previously has been convicted of a violation of this section they shall be guilty of a misdemeanor of the fourth degree. (Ord. 91-1996. Passed 12-12-96.)





ORIGINATOR: ADMINISTRATION

SPONSOR: \_\_\_\_\_

**CITY OF MACEDONIA  
ORDINANCE NO. 79 -2020**

**AN ORDINANCE  
AMENDING SECTION 537.16 OF THE CODIFIED ORDINANCES  
OF THE CITY OF MACEDONIA RELATIVE TO THE DISTRIBUTION, POSSESSION,  
AND USE OF CIGARETTES, VAPOR PRODUCTS, OR OTHER TOBACCO  
PRODUCTS**

**WHEREAS**, it is necessary and in the best interest of the health, safety and welfare of all City residents to amend Section 537.16 of the Codified Ordinances of the City of Macedonia relative to the distribution, possession, and use of cigarettes, vapor products, or other tobacco products.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Macedonia, County of Summit and State of Ohio:

**Section 1.** That Section 537.16 of the Codified Ordinances of the City of Macedonia shall be amended to read as set forth in the document attached hereto and incorporated by reference as Exhibit “A.”

**Section 2.** That the remainder of the Codified Ordinances of the City of Macedonia shall not be amended unless inconsistent with this Ordinance.

**Section 3.** The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of the City of Macedonia.

**Section 4.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 5.** Wherefore, this Ordinance shall become effective upon its adoption by Council and signature of the Mayor or as otherwise be provided for in law.

PASSED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

POSTED: \_\_\_\_\_

MAYOR: \_\_\_\_\_  
Nicholas Molnar

ATTEST: \_\_\_\_\_  
Amanda Trzaska, Clerk of Council