

# SPECIAL MEETING NOTICE



June 22, 2021

TO: Mayor Molnar  
Directors  
Staff  
Media

From: MACEDONIA CITY COUNCIL  
Jon Hoover, Clerk of Council /330.468.8341 /[jhoover@macedonia.oh.us](mailto:jhoover@macedonia.oh.us)

**Macedonia City Council has scheduled a  
Special Meeting for Thursday, June 24, 2021 at 7:30pm\* for agenda items  
appearing below.**

**RES. NO. 37-2021 [J. Brandt, V. Ventura]**

AN EMERGENCY RESOLUTION OPPOSING PROVISIONS OF THE OHIO SENATE OMNIBUS BUDGET AMENDMENT WHICH WOULD EFFECTIVELY PROHIBIT THE NEW CONSTRUCTION OF PUBLIC-OWNED BROADBAND NETWORKS, AND THE ONGOING PROVISION OF BROADBAND SERVICES PROVIDED BY PUBLIC-OWNED NETWORKS, THEREBY HARMING OHIO RESIDENTS' AND BUSINESSES' ABILITY TO PARTICIPATE IN THE 21ST-CENTURY DIGITAL ECONOMY

**ORD. NO. 38-2021 [J. Tulley, D. Finley]**

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF \_\_\_\_\_ AS THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF MACEDONIA

**~Motion to enter into executive session pursuant to R.C. 121.22(G)(1) to discuss the appointment, employment or compensation of a public employee or official.**

**Adjournment [J. Garvas, D. Finley]**

\*Note:

-The above-referenced meeting will be held virtually; City Council will not be holding session in Council chambers.

-Council's virtual meeting will be held through Microsoft Teams and access will be available on the City of Macedonia's website at [www.macedonia.oh.us](http://www.macedonia.oh.us)

ORIGINATOR:

SPONSOR: J. Brandt

**CITY OF MACEDONIA  
RESOLUTION NO. 37 -2021**

**AN EMERGENCY RESOLUTION OPPOSING PROVISIONS OF THE OHIO SENATE  
OMNIBUS BUDGET AMENDMENT WHICH WOULD EFFECTIVELY PROHIBIT  
THE NEW CONSTRUCTION OF PUBLIC-OWNED BROADBAND NETWORKS, AND  
THE ONGOING PROVISION OF BROADBAND SERVICES PROVIDED BY PUBLIC-  
OWNED NETWORKS, THEREBY HARMING OHIO RESIDENTS' AND  
BUSINESSES' ABILITY TO PARTICIPATE IN THE 21<sup>ST</sup>-CENTURY DIGITAL  
ECONOMY**

**WHEREAS**, the COVID-19 pandemic has unequivocally demonstrated that broadband constitutes an essential service for Ohioans to function in the 21<sup>st</sup> Century, and is needed to support online school and work, to access healthcare and medical information, to conduct efficient business operations, and to ensure that safety forces can communicate with one another for the protection of residents and property throughout the State; and

**WHEREAS**, the Ohio Senate Omnibus Budget Amendment to House Bill 110, the State's proposed operating budget legislation for the year 2022, includes language that would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) (the "Public-owned Broadband Restriction Amendment") to prevent political subdivisions, including municipalities that currently operate broadband networks, from offering broadband service except to areas that do not have service of 10 Mbps download/1Mbps upload, which is more akin to dial-up service; and

**WHEREAS**, the United States Federal Communications Commission ("FCC") is the federal agency responsible for defining minimum broadband service, and the FCC has established that minimum broadband service as 25 megabits per second (25 Mbps) download speed and three megabits per second (3 Mbps) upload speed; and

**WHEREAS**, while many Ohioans lack access to the minimum broadband standard established by the FCC, it is estimated that 98.28% of Ohio households have access to service at the threshold definition used in the Public-owned Broadband Restriction Amendment, leaving only 1.72% of Ohio's population "unserved" under that definition; and

**WHEREAS**, as a result of the overly restrictive definition of "unserved" in the Public-owned Broadband Restriction Amendment, political subdivisions would effectively be prohibited from operating public-owned broadband networks, such as the Fairlawn GIG and Hudson's Velocity Broadband, resulting in local governments being banned from providing service even to those Ohioans that fall below the FCC's minimum broadband service standard; and

**WHEREAS**, given the massive migration over the last fifteen months of Ohioans to high-speed broadband for educational, employment, medical and other essential purposes, many experts argue that even the FCC's standard for minimum broadband service is antiquated, and that a 21<sup>st</sup>-century digital economy demands much higher broadband speeds; and

**WHEREAS**, unfortunately, the Public-owned Broadband Restriction Amendment monopolizes an essential service in the hands of a small number of private companies, who have failed or refused to adequately provide affordable, reliable and sufficient broadband service to many of Ohio's residents and business; and

**WHEREAS**, public ownership of a high-speed, reliable broadband network is critical to ensure that Ohio's residents and businesses can receive affordable, reliable and sufficient broadband to be able to compete and prosper in today's economy, providing for:

- Critical communication between our public safety forces, including advanced-911 systems;
- The competitiveness of our businesses and the ability to attract and retain business and employment opportunities in our State;
- Access to meaningful educational opportunities for all Ohioans;
- A level playing field where Ohioans from all socio-economic backgrounds can obtain the tools they need to succeed;
- Enhanced security to ensure that personal and business data of Ohioans is secure;
- Access to high-quality medical services from anywhere;
- Advances in new technologies for Ohio to become an active player in our global economy, particularly in areas like autonomous transportation, enhanced security protections and medical advancements.

**WHEREAS**, certain existing and already capitalized multi-jurisdiction/agency combined networks being used throughout Ohio for public safety, remote health care, regional economic development, and transportation initiatives would be required to cease operation as a result of the Public-Owned Broadband Restriction Amendment because their participating jurisdictions will be required to abandon their individual system components; and

**WHEREAS**, Ohio schools, port authorities, and other entities falling under the sweeping definition of political subdivisions used in the Public-Owned Broadband Restriction Amendment would be prohibited from ongoing or future participation in the provision of broadband service to meet the needs of its users; and

**WHEREAS**, the Public-Owned Broadband Restriction Amendment is yet another infringement of upon the home rule authority of municipalities and charter counties, like Summit County and the City of Macedonia, that use such authority to provide for the health, safety and welfare of their residents; and

**WHEREAS**, the Public-Owned Broadband Restriction Amendment further prohibits political subdivisions, including those with already-established networks, from utilizing federal funds, including the billions being received by political subdivisions in Ohio under the American

Rescue Plan, on public-owned broadband systems, at a time when those funds can be used to connect Ohioans to the 21<sup>st</sup> century digital economy; and

**WHEREAS**, the Public-Owned Broadband Restriction Amendment was added to the Ohio Senate Omnibus Budget Amendment at the “eleventh hour,” in an apparent attempt to place the profits of a handful of companies ahead of the health, education, safety and welfare of Ohioans, with absolutely no public discussion or debate; and

**WHEREAS**, in summary, the health, education, safety, and welfare of the residents of Summit County require the unfettered ability of the County and its political subdivisions to provide affordable, reliable and sufficient broadband services at levels that ensure the needs of its residents and businesses can participate in the 21<sup>st</sup> century digital economy and beyond; and

**WHEREAS**, Council for the City of Macedonia finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the residents of the City of Macedonia to oppose the Public-Owned Broadband Restriction Amendment contained in the Ohio Senate Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to restrict public-owned broadband networks.

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

**Section 1.** Council opposes the passage of the Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to in any way restrict public-owned broadband.

**Section 2.** The Clerk of Council is hereby authorized and directed to forward a copy of this Resolution to the Governor of Ohio, to the members of the Ohio House and Senate Conference Committee negotiating the State of Ohio’s Biennial Budget, and to the Summit County delegation of the Ohio General Assembly.

**Section 3.** This Council finds and determines that all formal actions of Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**Section 4.** This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Resolution is required to be immediately effective in order to immediately express opposition to the passage of the Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098); wherefore, this Resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor.

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

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

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

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

ATTEST: \_\_\_\_\_  
          Jon Hoover, Clerk of Council

ORIGINATOR: ADMINISTRATION

SPONSOR: J. Tulley

**CITY OF MACEDONIA  
ORDINANCE NO. 38 -2021**

**AN ORDINANCE  
CONFIRMING THE APPOINTMENT BY THE MAYOR OF \_\_\_\_\_  
AS THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF  
MACEDONIA**

**WHEREAS**, a vacancy currently exists in the position of Director of Public Service for the City of Macedonia, Ohio given the recent resignation of former Service Director Hnottavange; and

**WHEREAS**, the Mayor has appointed \_\_\_\_\_ to the position of the Director of Public Service for the City of Macedonia pursuant to Article VII, Section 7.01 of the City Charter, having first determined he is qualified by training and experience to direct the operation of the Department of Public Service; and

**WHEREAS**, Council deems it necessary and in the best interest of the health, safety, and welfare of all City residents to confirm this appointment.

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

**Section 1.** That the appointment by the Mayor of \_\_\_\_\_ to the position of Director of Public Service for the City of Macedonia is hereby and herein confirmed, the beginning date of employment to be effective on or after the effective date of this Ordinance, conditioned upon the successful completion of a one-year probationary period, and conditioned upon any other terms that may be required by the Mayor. This includes the successful completion of a background check and drug test.

**Section 2.** That \_\_\_\_\_ will be paid pursuant to Paygrade 12, at a starting annual salary in the amount of Ninety Two Thousand Dollars (\$92,000.00).

**Section 3.** That \_\_\_\_\_ shall be permitted to carry over service credit/seniority for purpose of vacation leave, which equals eight (8) years and four (4) months, and for purposes of sick leave, which equals 203.85 hours, for the 2021 fiscal year upon the effective date of his appointment, and will be able to utilize that leave upon prior approval of the Mayor. Further, \_\_\_\_\_ shall be eligible for all other benefits due an employee of the City of Macedonia immediately upon the effective date of his appointment to the position of Service Director, including but not limited to policies and Ordinances, recognizing that as of that date he is a full-time employee of the City.

**Section 4.** 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: \_\_\_\_\_

Jon Hoover, Clerk of Council