



March 8, 2022

TO: Council Members  
Mayor Molnar  
Directors  
Staff  
Media

From: Clerk of Council

RE: **AGENDA – Work Session & Regular Meeting: Thursday, March 10, 2022**  
**“Council Office Hours” with Councilor Brandt: 6:45pm**  
**Work Session: 7:15pm**  
**Council Meeting: 7:30pm**

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**I. ROLL CALL**

**II. PLEDGE OF ALLEGIANCE BY MAYOR NICHOLAS MOLNAR**

**III. APPROVAL OF MINUTES [J. BRANDT, J. GARVAS]**

Thursday, February 24, 2022 – Regular Council Meeting

**IV. PUBLIC COMMENTS**

**V. CORRESPONDENCE**

**VI. PENDING &/OR NEW LEGISLATION**

**RES.NO. 18 - 2022 [J. GARVAS, D. FINLEY]**

A FINAL RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE MICROSURFACING PROJECT POR/SUM MCRO FY2022 (B) - PID 105120 RELATIVE TO A PORTION OF STATE ROUTE 8 LOCATED WITHIN THE CITY OF MACEDONIA

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

**RES.NO. 19 - 2022 [V. VENTURA, J. BRANDT]**

**A RESOLUTION IN SUPPORT OF UKRAINIANS LOCATED WITHIN THE CITY OF MACEDONIA, AS WELL AS UKRAINIANS AND THEIR FAMILIES LOCATED THROUGHOUT THE UNITED STATES AND ABROAD**

**1<sup>st</sup> Read**

**2<sup>nd</sup> Read**

**3<sup>rd</sup> Read**

**VII. MOTIONS/OTHER LEGISLATIVE ACTION**

**VIII. MAYOR'S REPORT**

**IX. COMMITTEE REPORTS**

**X. DEPARTMENT REPORTS**

Service Department:	Interim Director Steve Dzurnak
Engineer Department:	Director Joe Gigliotti
Parks & Recreation Department:	Director Jason Chadock
Finance Department:	Director John Veres
Fire Department:	Chief Brian Ripley
Police Department:	Chief Jon Golden
Human Resources Department:	Director Annette Smith
Building Department:	Commissioner Robert Rodic
IT Department:	Director Kyle Collins
Law Department:	Director Mark Guidetti

**XI. UNFINISHED BUSINESS**

**XII. NEW BUSINESS**

**XIII. ADJOURNMENT [D. FINLEY, J. GARVAS]**

# March

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

**\*Public Comment for those not able to attend in-person at the March 10th Council Meeting should be sent to Clerk of Council Jon Hoover at [jhoover@macedonia.oh.us](mailto:jhoover@macedonia.oh.us) . Public comment must be received no later than the close of business on March 9th, 2022 and will be subsequently made available to the public.**

**\*Note \***

- In-person meetings have resumed. This City Council meeting will take place in Council Chambers at the Macedonia City Center, 9691 Valley View Rd., Macedonia, OH 44056
- Council's meeting will also be livestreamed through Microsoft Teams. The link to access will be available on the City of Macedonia's website [www.macedonia.oh.us](http://www.macedonia.oh.us)



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Mayor's Court	2	3	4	5
6	7	8 Mayor's Court	9	10 City Council Work Session City Council Meeting	11	12
13	14	15 Mayor's Court	16 Parks & Recreation Commission Board of Zoning Appeals	17	18	19
20	21 Planning Commission	22 Mayor's Court	23	24 City Council Work Session City Council Meeting	25	26
27	28	29 Mayor's Court	30	31		

Record of Proceedings  
Regular Council Meeting  
February 24th, 2022

1 Presiding Officer, Mayor Nicholas Molnar called the February 24th, 2022 regular meeting to order at  
2 7:27p.m..  
3

4 **Present:** Council members Jessica Brandt, Dave Finley, Jeff Garvas, Jan Tulley, and Vini J.  
5 Ventura. Also present: Law Director Mark Guidetti and Clerk of Council Jon Hoover.  
6

7 **INVOCATION & PLEDGE OF ALLEGIANCE** Chaplain Tom O'Brien of Nordonia Hills American  
8 Legion 801.  
9

10 **APPROVAL OF MINUTES**

11  
12 Ms. Brandt moved, second by Mr. Garvas, to approve the minutes of the regular meeting of February 10,  
13 2022 as received from the Clerk of Council. The motion carried unanimously by a voice vote.  
14

15 **PUBLIC COMMENTS:** None  
16

17 **CORRESPONDENCE:** None  
18

19 **PROCLAMATION:** The Mayor read a proclamation declaring February 24, 2022 as Nordonia Day and  
20 congratulated the Nordonia Varsity Ice Hockey Team.  
21

22 The Nordonia High School hockey team was present and is comprised of Frankie Costello, Daniel  
23 Kimpton, Josh Krysinski, Patrick McNally, Nate Owen, Brett Rapp, Xavier Tedor, Owen Tindall, Noah  
24 Vega, Jacob Waite, Kevin Waite, Ashley Zelina, Max Zuschin, and coached by Rich Cinalli with  
25 Assistant Coaches Dominic Cinalli and Nick Asbury.  
26

27 **INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

28  
29 **ORDINANCE NO. 13-2022**

30 Mr. Finley moved to **amend ORD.NO. 13-2022 to comport with the version provided to Council on**  
31 **Tuesday, February 22, 2022.** Seconded by Ms. Brandt. The motion carried unanimously by a voice  
32 vote.  
33

34 AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF  
35 MACEDONIA A PROPOSED AMENDMENT TO SECTIONS 4.06 AND 4.07, AND THE PROPOSED  
36 CREATION OF SECTION 4.15, OF THE CITY'S CHARTER RELATIVE TO MEETINGS OF  
37 PUBLIC BODIES OF THE MUNICIPALITY was offered by Mr. Finley for **second and third reading**  
38 **by title only.** Seconded by Ms. Brandt.  
39

40 Ms. Brandt stated this version of the charter amendment legislation is a continuance of the discussion that  
41 began at the previous Council meeting. With this version, it was decided to also allow other public  
42 bodies of the City to call virtual meetings in the event of public health or weather emergencies and only  
43 require at least two-thirds of the public body to assent rather than a unanimous decision. This ordinance  
44 does not make the charter amendment itself as Council does not have that authority. By passing this  
45 ordinance, the charter amendment can be placed on the May 3 primary ballot and the residents vote on  
46 whether or not to approve it.  
47

48 Mr. Finley moved, second by Ms. Brandt, to **adopt ORD.NO. 13-2022 and post the same according to**  
49 **law.** Motion carried unanimously by a voice vote. **ORD.NO. 13-2022 declared and adopted.**  
50

51 **ORDINANCE NO. 14-2022**

52 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO RENEW THE CONTRACT  
53 WITH THE OHIO MUNICIPAL JOINT SELF INSURANCE POOL FOR LIABILITY COVERAGE

Record of Proceedings  
Regular Council Meeting  
February 24th, 2022

54 FOR THE THIRD YEAR OF THE THREE-YEAR CONTRACT BEGINNING APRIL 1, 2022 was  
55 offered by Ms. Tulley for **first, second and third reading by title only**. Seconded by Mr. Ventura. The  
56 motion carried unanimously by a voice vote.

57  
58 The Mayor explained this legislation is for the insurance of the City, and there is a 7% increase. The  
59 vendor is a local business with whom the City has had positive dealings and wishes to carry that on into  
60 the future.

61  
62 Ms. Tulley moved, second by Mr. Ventura, to **adopt ORD.NO. 14-2022 and post the same according**  
63 **to law**. Motion carried unanimously by a voice vote. **ORD.NO. 14-2022 declared and adopted.**

64  
65 **ORDINANCE NO. 15-2022**  
66 AN ORDINANCE AMENDING ORDINANCE NO. 67-2021 RELATIVE TO CURRENT EXPENSES  
67 AND OTHER EXPENDITURES OF THE CITY OF MACEDONIA FOR THE PERIOD OF JANUARY  
68 1, 2022 TO DECEMBER 31, 2022 was offered by Mr. Garvas for **first, second and third reading by**  
69 **title only**. Seconded by Ms. Brandt. The motion carried unanimously by a voice vote.

70  
71 Dir. Veres stated this ordinance is the first amendment of the year. One of the major highlights is the  
72 application of \$500,000 of the local fiscal recovery money received in 2021 towards repairing and/or  
73 replacing the HVAC at the Family Recreation Center, and an additional \$150,000 towards HVAC repairs  
74 at the City Center.

75  
76 Mr. Garvas moved, second by Ms. Brandt, to **adopt ORD.NO. 15-2022 and post the same according to**  
77 **law**. Motion carried by a majority voice vote. Councilors Brandt, Garvas, Tulley and Ventura voting in  
78 the affirmative. Councilor Finley in the negative. **ORD.NO. 15-2022 declared and adopted.**

79  
80 **ORDINANCE NO. 16-2022**  
81 AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS  
82 PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF  
83 MACEDONIA was offered by Mr. Ventura for **first, second and third reading by title only**. Seconded  
84 by Mr. Finley. The motion carried unanimously by a voice vote.

85  
86 Dir. Guidetti explained this ordinance is similar to one passed earlier in the year at a previous Council  
87 meeting. It incorporates all State law changes from the prior year where necessary into the local code.

88  
89 Mr. Ventura moved, second by Mr. Finley, to **adopt ORD.NO. 16-2022 and post the same according to**  
90 **law**. Motion carried by a majority voice vote. Councilors Brandt, Garvas, Tulley and Ventura voting in  
91 the affirmative. Councilor Finley in the negative. **ORD.NO. 16-2022 declared and adopted.**

92  
93 **RESOLUTION NO. 17-2022**  
94 A RESOLUTION AUTHORIZING THE CITY ADMINISTRATION TO PREPARE PLANS, BIDS  
95 AND SPECIFICATIONS, AND FURTHER AUTHORIZING THE MAYOR TO ADVERTISE FOR  
96 BIDS, FOR THE PROCUREMENT OF A BUS FOR COMMUNITY TRANSPORTATION was offered  
97 by Ms. Brandt for **first, second and third reading by title only**. Seconded by Ms. Tulley. The motion  
98 carried unanimously by a voice vote.

99  
100 The Mayor stated that this is the next step in the process to go out to bid for a bus, which will primarily be  
101 used for seniors. This has been requested for a long time and is finally coming to fruition. While the  
102 hope is for the process to move along quickly, one never knows with the current state of supply and  
103 demand what is going to happen. The Mayor vows to keep looking and find something.

104  
105 Ms. Brandt moved, second by Ms. Tulley, to **adopt RES.NO. 17-2022 and post the same according to**  
106 **law**. Motion carried unanimously by a voice vote. **RES.NO. 17-2022 declared and adopted.**

Record of Proceedings  
Regular Council Meeting  
February 24th, 2022

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**MOTIONS / OTHER LEGISLATIVE ACTION:**

112 Mr. Ventura moved, second by Mr. Garvas to accept the following donations:  
113 ~Donations in the amount of \$2,400 from Plastic Process Equipment, Inc., \$1,200 of which is to be used  
114 for the City Police Department purposes, and \$1,200 of which is to be used for Fire Department purposes  
115 ~Donation in the amount of \$250 from Alexis Johnston which is to be used for City Police Department  
116 purposes.  
117 Motions carried unanimously by a voice vote.

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**MAYOR'S REPORT**

120  
121 -The Mayor requested a moment of silence to pray for Ukraine, our country and world  
122 leaders as peace today in Europe was shattered.  
123

124  
125

**COMMITTEE REPORTS**

126 **Parks & Recreation Commission** Ms. Brandt reported the Parks & Recreation Commission met last  
127 week and discussed the beginning stages of the trails project. The Parks & Recreation Department, along  
128 with Dir. Gigliotti, have been discussing the best way to spend the annual \$100,000 allocation over the  
129 next five years for trails all throughout Longwood Park. The Commission had been considering options  
130 for some time, and it is exciting to see it finally start to happen. The next meeting will be Wednesday,  
131 March 16 at 6pm in the activity room of the Recreation Center.

132  
133 **JEDD** Mr. Ventura reminded everyone that the JEDD Board will be meeting on Thursday, March 3 at  
134 6:30pm in Council Chambers.

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**DEPARTMENT REPORTS**

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139 **Service Department:** Interim Director Dzurnak – The Service Department has been busy picking up litter  
140 now that the snow has mostly melted away. Compilation of a list for Spring restorations has begun.  
141 Residents can report potholes on the City website.

142  
143 **Engineer:** Director Gigliotti- Absent

144  
145 **Parks and Recreation Department:** Director Chadock – Thanks to the Service Department for the  
146 amazing job they do in keeping the Recreation Center parking lot and City streets clear of ice and snow.  
147 Members have provided positive feedback to their efforts. Thanks to Council for passing Ord. 11-2022 at  
148 the previous meeting that created the customer service specialist positions. One of the positions has  
149 already been filled in-house by Sam Clark, and the remaining position is still posted with the interview  
150 process beginning next week. The Recreation Supervisor of Facilities and Membership has been filled by  
151 Kristen Liggett, who started this week. The Mactivity guide will be coming out next month, with the  
152 online version releasing the second week of March, and the printed version in the middle of March. All  
153 Summer and some Fall programming will be included in it. A direct mailer will be sent to all homes in  
154 Macedonia. The online version is highly encouraged in order to limit the amount of printed materials,  
155 with the long-term intent to be print-free.

156  
157 **Finance Department:** Director Veres – Reminder to the residents that the RITA tax refund deadline is  
158 July 15. March 4 will mark Dir. Veres three-year anniversary of serving the community, and he stated he  
159 has thoroughly enjoyed it and looks forward to his next three years.

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**Fire Department:** Chief Ripley – Echoes the comments of Dir. Chadock lauding the Service Department’s job of keeping the streets clear of ice and snow.

**Police Department:** Chief Golden – The Police Department is looking forward to getting new carpeting and paint as the current versions of each are over 25 years old. Quotes for paint and carpeting are coming and might arrive as soon as next week.

**HR Department:** Director Smith – Absent

**Building Department:** Commissioner Rodic updated Council on recent projects including: Panda Express has all approvals in place to build at Golden Link, probably as soon as weather permits. Target will be doing a \$2.4 million interior modification. Optima Dermatology has gotten underway and started utility work. Wayback Burgers will probably open in the next 45-60 days. Burlington Phase I renovations have begun. Preparing to issue a permit for Sephora that will be part of an interior renovation at Kohl’s. Peak Nano is about 50% complete on Phase I. Spruce Hill Crossings Phase III will begin work on Monday (2/28). Don Basch Jewelers will come before the Board of Zoning Appeals in March.

**IT Department:** Director Collins – Major project highlights include: hardware upgrade for Police Department computers, deploying new printers, and procuring new tablets for use in Police vehicles.

**Law Department:** Director Guidetti – A development is in place with Spruce Hill Crossing Phase III to help alleviate any construction issues during that phase. The City was involved in a lawsuit filed by one of the contractors on a water main project over a disagreement on the amount owed. A settlement was reached for the amount the City originally had proposed as the fair amount, resulting in no additional expenses.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

Ms. Tulley thanked Roy and Gayle Gardiner for being instrumental in the founding of the Nordonia high school hockey team.

Ms. Brandt wished Bart Benjamin a Happy 80<sup>th</sup> Birthday.

Ms. Brandt moved, second by Mr. Ventura, to enter into executive session pursuant to R.C. 121.22(G)(2) to consider the purchase of property for public purposes.

Roll call:           Ayes: Ms. Brandt, Mr. Finley, Mr. Garvas, Ms. Tulley, Mr. Ventura  
                          Nays: None  
                          The motion carried unanimously.

At 8:15p.m. Council reconvened into its regular meeting.

There being no further business, Ms. Tulley moved, second by Mr. Finley, to **adjourn the meeting**. The motion passed **unanimously** pursuant to a voice vote and the meeting was adjourned at approximately 8:15p.m.

**Date:** \_\_\_\_\_

Record of Proceedings  
Regular Council Meeting  
February 24th, 2022

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**Attest:** \_\_\_\_\_  
Jon Hoover, Clerk of Council

**Mayor:** \_\_\_\_\_  
Nicholas Molnar



ORIGINATOR: ADMINISTRATION

SPONSOR: Garvas

**CITY OF MACEDONIA  
RESOLUTION NO. 18 – 2022**

**A FINAL RESOLUTION  
REQUESTING THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH  
THE MICROSURFACING PROJECT POR/SUM MCRO FY2022 (B) – PID 105120  
RELATIVE TO A PORTION OF STATE ROUTE 8 LOCATED WITHIN THE CITY OF  
MACEDONIA**

The following Final Resolution is enacted by the City of Macedonia, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or “LPA”, in the matter of the microsurfacing project known as POR/SUM MCRO FY2022 (B) – PID 105120.

**WHEREAS**, on September 23, 2021, the LPA enacted Ord. 60-2021 authorizing the Mayor to complete and execute preliminary legislation for the following-described project:

**The project consists of microsurfacing S.R. 8 between approximately 2000 feet south of Valley View Road and the northern Macedonia corporation limit, including pavement markings, lying with the City of Macedonia; and**

**WHEREAS**, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**

**The share of the costs of the LPA is now estimated in the amount of Eleven Thousand Seven Hundred Sixty-Two and 00/100 Dollars, (\$11,762.00), but said estimated amount is to be adjusted in the order that the LPA’s ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and**

**WHEREAS**, the Director of Transportation has approved said legislation proposing cooperation and has cause to be made plans and specifications and an estimate of costs and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

**WHEREAS**, the LPA desires that the Director of Transportation proceed with the aforementioned highway improvement project.

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

**Section 1.** That the estimated sum, of Eleven Thousand Seven Hundred Sixty-Two and 00/100 Dollars, (\$11,762.00) is hereby appropriated for the improvement described above, and the City's Director of Finance is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

**Section 2.** That the LPA hereby requests the Director of Transportation to proceed with the aforementioned highway improvement project.

**Section 3.** That Mayor is hereby authorized and director to enter into an agreement on behalf of the City with the State, as substantially set forth in the document attached hereto as Exhibit "A" and incorporated herein by reference, providing for the payment by the City of the sum of money set forth herein above for the highway improvement project.

**Section 4.** That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

**Section 5.** 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 6.** This Resolution 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: \_\_\_\_\_

Jon Hoover, Clerk of Council

**C O N T R A C T**  
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Macedonia**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

**WITNESSTH:**

**WHEREAS**, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

**WHEREAS**, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

**WHEREAS**, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

**WHEREAS**, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

**WHEREAS**, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

**NOW, THEREFORE**, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

**SECTION I:**            **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

**SECTION II:**        **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

**SECTION III: LEGAL REFERENCES**

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

**SECTION IV: SCOPE OF WORK**

The work to be performed under this contract shall consist of the following:

**The project consists of microsurfacing S.R. 8 between approximately 2000 feet south of Valley View Road and the northern Macedonia corporation limit, including pavement markings, lying within the City of Macedonia.**

**SECTION V: FINANCIAL PARTICIPATION**

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Eleven Thousand Seven Hundred Sixty-Two and - - - - 00/100 Dollars, (\$11,762.00)**.
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

#### **SECTION VI: RIGHT-OF-WAY AND UTILITIES**

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
  - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
  - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
  - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

#### **SECTION VII: ADDITIONAL PROJECT OBLIGATIONS**

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
  - A. To keep said highway open to traffic at all times;
  - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,

- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

**SECTION VIII: DISPUTES**

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

**SECTION IX: NOTICE**

Notice under this contract shall be directed as follows:

**City of Macedonia**  
**9691 Valley View Road**  
**Macedonia, Ohio**  
**44056**

Ohio Department of Transportation  
Office of Contract Sales & Estimating  
1980 West Broad Street, 1st Floor  
Columbus, Ohio 43223

**SECTION X: FEDERAL REQUIREMENTS**

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

#### **SECTION XI: GENERAL PROVISIONS**

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.



- 6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
- 7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

**SECTION XII: SIGNATURES**

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

**IN WITNESS THEREOF**, the parties hereto have caused this contract to be duly executed in duplicate.

**SEAL**  
(If Applicable)

**OHIO DEPARTMENT OF  
TRANSPORTATION**

**LOCAL PUBLIC AGENCY  
City of Macedonia**

\_\_\_\_\_  
Director of Transportation

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
Date

Approved:  
Dave Yost  
Attorney General of Ohio

By: \_\_\_\_\_  
Corinna Efke  
Unit Coordinator, Transportation  
Executive Agencies Section

ORIGINATOR: COUNCIL

SPONSOR: VENTURA

**CITY OF MACEDONIA  
RESOLUTION NO. 19 -2022**

**A RESOLUTION IN SUPPORT OF UKRAINIANS LOCATED WITHIN THE CITY OF  
MACEDONIA, AS WELL AS UKRAINIANS AND THEIR FAMILIES LOCATED  
THROUGHOUT THE UNITED STATES AND ABROAD**

**WHEREAS**, on December 1, 1991, more than 90 percent of Ukrainian citizens voted in a national referendum in support of independence, with majorities in every region; and

**WHEREAS**, on November 21, 2013, the Euromaidan protests began in favor of signing the European Union-Ukraine Association Agreement, resulting in the Revolution of Dignity and the removal of President Viktor Yanukovich by the Verkhovna Rada; and

**WHEREAS**, in February and March of 2014, the Russian Federation invaded the peninsula of Crimea, illegally annexed the region and claimed the territory to be a part of Russia; and

**WHEREAS**, beginning in April 2014, the Russian Federation invaded the Donetsk and Luhansk regions of Eastern Ukraine instigating violence, stoking conflict, arming separatists, and spreading disinformation on Ukrainian soil; and

**WHEREAS**, the Russian military conducted a large-scale buildup in and around Ukraine in March and April 2021 under the guise of military exercises, leaving significant military equipment behind; and

**WHEREAS**, the Russian military initiated its most recent much larger military buildup in October 2021 that culminated in approximately 190,000 forces by the time of Russia's renewed full-scale incursion on February 24, 2022; and

**WHEREAS**, in February 2022, Vladimir Putin ordered Russian troops to invade Ukraine in violation of international law, in violation of Ukraine's sovereignty and territorial integrity, and the Minsk agreements; and

**WHEREAS**, said invasion is being conducted by Russian forces is an unprovoked full-scale invasion on the peaceful and independent country of Ukraine; and

**WHEREAS**, it is the right of all countries to decide their own future, foreign policy, and security arrangements free from outside interference or coercion; and

**WHEREAS**, Russian forces have and continue to target civilians within Ukraine; and

**WHEREAS**, in the days since the full-scale invasion began, Russian citizens have taken to the streets in cities and towns across Russia to protest the illegitimate and destructive war waged against a peaceful and sovereign Ukraine; and

**WHEREAS**, the City of Macedonia wishes to join the United States, along with its allies in Europe, the Indo-Pacific, and others around the world, who have been actively responding to Russia's unprovoked war of aggression against Ukraine, in declaring support for Ukraine and its people.

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

**Section 1.** That the City of Macedonia, Ohio hereby declares its support for Ukrainians located within the City of Macedonia, Ohio, as well as Ukrainians located throughout the United States and abroad.

**Section 2.** That the City of Macedonia recognizes the need for a full and immediate end and withdrawal of Russian forces from Ukrainian territory, in recognition of Ukraine's sovereignty and territorial integrity.

**Section 3.** It is found and determined that all the formal action of this Council concerning and relating to the adoption of this Resolution occurred 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 4.** 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: \_\_\_\_\_  
Jon Hoover, Clerk of Council