

Record of Proceedings  
Regular Council Meeting  
March 9, 2017

Presiding Officer, Mayor Joseph Migliorini called the March 9 regular meeting to order at 7:30pm.

**Present:** Council members' Kevin Bilkie, David Engle, Sylvia Hanneken, Nick Molnar and Jan Tulley; Law Director Mark Guidetti and Council Clerk Josephine Arceci

**Absent:**

**PLEDGE OF ALLEGIANCE & INVOCATION** City Chaplin Commodore Tom O'Brien of Nordonia Hills American Legion Post 801

**MINUTES** Mr. Engle moved, Ms. Tulley seconded and motion carried unanimously on a voice vote to approve the minutes of the meetings of January 26 and February 9, 2017.

**FINANCIAL REPORT** Ms. Tulley moved, Mr. Molnar seconded and motion carried unanimously on a voice vote acknowledging receipt of Finance Report dated January 31, 2017

**PUBLIC COMMENTS**

~~**Roy Metzel, Smokerise** complained about the condition of Macedonia roads and questioned how other residents driving on the same roads are unwilling to support the passage of the levy. Mr. Metzel complained about the public's general apathy and their unwillingness to attend meetings, to learn the facts about Macedonia's financial crisis personally. Mr. Metzel also expressed frustration with the continual hostility and animosity among Macedonia's elected officials.

Mayor Migliorini agreed with Mr. Metzel. Mayor Migliorini added residents truly do need to understand that Macedonia has been living hand to mouth for far too long. And while some wrongfully believe Macedonia is not top heavy in staffing that fact is it is not. The Mayor reiterated in 2001 there were 14 administrative employees, today there are 14 administrative employees. The safety forces have increased commensurate with Macedonia's population and the population of the other communities served by Macedonia he added. Staffing of the service department however has decreased from previous years although the workload and lane miles that are covered has increased exponentially.

~~**Vini Ventura, 1479 Bruce**, stated that the village of Walton Hills has placed a 5 mill property tax increase on the May 2 ballot. If approved by Walton Hills' voters their current property tax of .30 mills will increase by 4.7 mills. Mr. Ventura mentions this he said because surrounding communities are struggling with needing more revenue just as Macedonia.

**INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

**ORD. NO. 14 - 2017**

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF JOSEPH GIGLIOTTI, P.E., OF CHAGRIN VALLEY ENGINEERING, LTD., AS ENGINEER FOR THE CITY OF MACEDONIA was **offered by Mr. Bilkie for its second reading by title only**. Second not required.

Ms. Hanneken moved, Mr. Engle seconded to **amend ORD. NO.14-2017, Sections 1 & 2 and Section 7 of Exhibit A entitled Agreement for the Provision of Municipal Engineering by Chagrin Valley Engineering, LTD., to the City of Macedonia** to read as follows:

Section 1. That The Council confirms the appointment by the Mayor of Joseph L. Gigliotti, P.E., to the position of City Engineer is hereby and herein confirmed, subject to the terms, conditions and compensation hereafter established pursuant to Section 14.01 of the Charter for a two-year period ending on the 31<sup>st</sup> day of January 2019.

Section 2. The Council further authorizes the Mayor to enter into a contract with Mr. Gigliotti of Chagrin Valley Engineering is hereby employed as City Engineer for the City of Macedonia, Ohio, pursuant to Section 14.01 of the Charter also for a two-year period ending on the 31<sup>st</sup> day of January. Mr. Gigliotti is hereby employed as the Engineer of the City of Macedonia, Ohio, effective February 1, 2017. until his successor is appointed by the Mayor and properly confirmed by City Council, such employment to be terminable by either the City or Mr. Gigliotti upon thirty (30) days written notice to the other.

Section 7. The contract provided herein with CVE may be terminated by either party on thirty (30) days advance written notice to the other, provided that such determination shall not affect the duty of the Engineer or C to render service, nor the obligation of the City to pay for such service rendered, before the effective date of termination.

(1) The term of this agreement shall begin on February 1, 2017 and continue for Services rendered through January 31, 2019. The term of the Agreement may be extended by mutual written agreement between the City and Cuyahoga Valley Engineering.

(2) This Agreement is subject to annual appropriations by the Council of the City of Macedonia.

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Councilor Hanneken's amendments she explained mirror the agreement Macedonia had with the previous engineering firm GPD and since CVE is a private contractor the agreement should not remain open-ended but should be reconsidered at a regular contract cycle.

Councilor Bilkie asked Ms. Hanneken to clarify her amendments to which she responded a contract should have a renewal date to provide for periodic opportunity to evaluate the contract's continual value.

Councilor Bilkie asked Ms. Hanneken if believes her proposed amendments should be a function of Council to which Ms. Hanneken answered she believes that they are because the amendments are a function of the ordinance for which Council is considering for adoption. Explaining further Ms. Hanneken said the contractual agreement should also be subject to annual appropriations because the City should not be in a situation where monies are paid without prior review and the appropriations provides the City that control. The GPD contract was drafted with the same verbiage she added.

Councilor Bilkie asked Law Director Guidetti to elaborate how Ms. Hanneken's amendments will affect the CVE contract to which Mr. Guidetti stated the amendments do not add language substantive to the agreement nor do they follow the Charter. Mr. Guidetti added that he cannot address the history or mindset at the time the GPD contract was drafted. Macedonia's Charter already provides the mechanism for removal of the engineer by the Mayor or Council super majority if that level of situation were to arise. The difference between the agreements relative to Ordinance No. 14-2017 and Ordinance No. 4-2016 the original appointment of Engineer Don Sheehy and CVE engineering is simply replacing Mr. Sheehy with Mr. Gigliotti as the City's engineer and reducing the cost of contractual agreement by \$3,000. Ms. Hanneken's amendment proposes a two-year renewal that is defeated by the language within the current agreement which states the agreement may be extended by mutual agreement between the City and CVE.

Ms. Hanneken stated the city engineer is not a civil servant but a contract employee and contracts should not be infinite. Most contracts do have an end date and renewal clause. Additionally, a new administrator should not have to rely on the Charter and Council for removing a contract employee if the new administrator desires a different individual and firm.

Mayor Migliorini interjected Ms. Hanneken's amendments are meaningless. Section 7 of the agreement already provides for either party to give thirty day notice to terminate the contract. Traditionally he added contracts are drafted with an automatic renewal clause. Mayor Migliorini added too that it's always within the authority and discretion of a new administrator to change and make new appointments. All that is necessary is the previous contract employee(s) must be given fair warning pursuant to terms of their agreement. Mayor Migliorini questioned Ms. Hanneken why she always has to make issue with everything particularly in this regard since the contract with CVE engineering was entered into last year.

Councilor Tulley interjected that there is nothing more to discuss and asked that the question relative to the proposed amendments be called.

Councilor Bilkie asked for more to time for an additional question of Mr. Guidetti which was does the position of engineer fall under the umbrella of the administration or Council.

Mr. Guidetti responded that the duties and responsibilities of the engineer or any administrative employee fall under the jurisdiction of the administration. Therefore the amendments proposed to Ordinance No. 14-2017 interfere with the role of the administration. Mr. Guidetti explained that pursuant to Charter the Mayor makes an appointment after the Mayor has processed and vetted a viable candidate to a specific position. Council majority is responsible for confirming the appointment.

Ms. Hanneken disagreed that the amendments interfere because the ordinance and agreement are legislative matters. Ms. Hanneken said she implemented what the Diemert firm thought legitimate when it drafted the GPD agreement in 2008. The 2-year clause is reasonable because it provides the opportunity for review performance and benefits that have been provided she added.

**Councilor Tulley asked again to call the question relative to Ms. Hanneken's motion to amend Sections 1 & 2 of Ordinance No. 14-2017 and Section 7 of the Agreement**

**Roll call:           Ayes: Hanneken  
                          Nays: Bilkie,\* Engle, Molnar\*\* and Tulley\*\*\*  
                          The motion failed.**

During roll call and relative to Ms. Hanneken's motion Mr. Bilkie\* stated his concern is that that the two year proposal may create the same situation created with Finance Director Scott Svab when Council held on to his appointment when the then Mayor wanted him removed. Mr. Bilkie said he also opposes the

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scenario if for example the administrator wanted to retain the engineering firm and Council chose otherwise.

Councilor President Molnar\*\* stated all too often it's forgotten that the roles and responsibilities between the Mayor and Council are vastly different. Mayor Migliorini was elected to be the administrator of Macedonia and members of Council were elected to be legislative body. Mr. Molnar said while not trying to be argumentative and still keeping in mind the necessity for check and balances of both sides of government he feels that too often Ms. Hanneken's proposal's attempt at placing administrative duties and powers into Council's hands. Mr. Molnar apologized to Mr. Gigliotti for what transpired over his appointment. Mr. Gigliotti and CVE engineering have been nothing less than professional since the initial appointment Mr. Molnar added.

Councilor Tulley\*\*\* stated that two areas prevail with regards to Mr. Gigliotti's appointment and contractual agreement with CVE; the Charter and Section 7 of the Agreement and therefore there is no reason entertain Ms. Hanneken's amendments.

Mr. Bilkie moved, Ms. Tulley seconded to **adopt ORD.NO. 14-2017** and post according to law.

Roll call:       Ayes:     Bilkie, Molnar\*\*\* and Tulley  
                  Nays:     Engle\* and Hanneken\*\*  
                  The motion passed, **ORD. NO. 14-2017 declared adopted.**

Relative to ORD.NO. 14-2017 and during roll call Mr. Engle\* stated he has no concerns about Mr. Gigliotti professional abilities. Mr. Gigliotti is an excellent engineer. However, the compensation for Mr. Gigliotti includes a pension, PERS and in Mr. Engle's opinion contracted, part-time employees should not be receiving this benefit. To Mr. Engle's knowledge Macedonia is the only city that provides this benefit for the contracted services of engineer, law director and prosecutor. Mr. Engle stated he voted against to these types of contracts in the past or at least expressed his opposition.

Councilor Hanneken\*\* stated her proposal are not personal to Mr. Gigliotti. Ms. Hanneken's reasoning pertains to a method of doing business. In Ms. Hanneken opinion the City needs to have better control on its contractual agreements.

Council President Molnar stated Macedonia's contractual agreements are in the hands of the administration and nothing has been willfully wrong with how they've been drafted. Mr. Molnar told Mr. Gigliotti is a good engineer who can hold his head up.

Mayor Migliorini reiterated the agreement with Mr. Gigliotti and CVE engineering mirrors the agreement with Don Sheehy and CVE engineering except the difference in cost of \$3,000 savings to Macedonia. Mayor Migliorini added there are many other communities who include PERS.

**ORD. NO. 15- 2017**

AN ORDINANCE AMENDING CHAPTER 761 OF THE CITY OF MACEDONIA'S CODIFIED ORDINANCE PERTAINING TO PEDDLER'S AND SOLICITORS was **offered by Mr. Engle for its third reading by title only.** Second not required.

Mr. Engle moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote to **adopt ORD.NO 15-2017 and post same according to law. ORD. NO. 15-2017 declared adopted.**

**ORD. NO. 16- 2017**

AN ORDINANCE CREATING CHAPTER 920 OF THE CITY OF MACEDONIA CODIFIED ORDINANCES RELATIVE TO COMPREHENSIVE STORMWATER MANAGEMENT was **offered by Ms. Tulley for its third reading by title only.** Second not required.

Ms. Tulley moved, Mr. Molnar seconded and motion carried by majority voice vote, Ms. Hanneken dissenting, to **adopt ORD.NO 16-2017 and post same according to law. ORD. NO. 16-2017 declared adopted**

Relative to ORD. NO. 16-2017, Ms. Hanneken stated after her own research of this matter it is her opinion there is no reason for creating Chapter 920 and codifying comprehensive stormwater management because it does not apply to Macedonia's existing infrastructure much of which is residential. Moreover Ms. Hanneken opined since the EPA is not mandating this inclusion this just creates more work for the engineer which ends up being more costly for Macedonia.

**ORD. NO. 17- 2017**

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AN ORDINANCE AMENDING CHAPTER 923 OF THE CITY OF MACEDONIA CODIFIED ORDINANCES RELATIVE TO EROSION AND SEDIMENT CONTROL was **offered by Ms. Hanneken for its third reading by title only**. Second not required.

Ms. Hanneken moved, Mr. Engle seconded and motion carried unanimously on a voice vote to **adopt ORD.NO 17-2017 and post same according to law. ORD. NO. 17-2017 declared adopted**

**ORD. NO. 18 2017**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE SUMMIT SOIL AND WATER CONSERVATION DISTRICT AND THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR ASSISTANCE IN IMPLEMENTING SOIL AND WATER CONSERVATION MEASURES was **offered by Mr. Bilkie for its third reading by title only**. Second not required.

Mr. Bilkie moved, Mr. Engle seconded and motion carried unanimously on a voice vote to **adopt ORD.NO 18-2017 and post same according to law. ORD. NO. 18-2017 declared adopted**

**ORD. NO. 19- 2017**

AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATIONS FOR SALARIES /WAGES AND OTHER EXPENSES OF THE CITY OF MACEDONIA FOR THE PERIOD OF JANUARY 1, 2017 TO DECEMBER 31, 2017 was **offered by Ms. Tulley for its second reading by title only**. Second not required

**ORD. NO. 21- 2017**

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF JENNIFER BARBER TO THE POSITION OF PART-TIME POLICE AND FIRE DISPATCHER was **offered by Mr. Molnar and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by title only for all three readings**. Second by Mr. Engle carried unanimously on a voice vote.

Mr. Molnar moved, Ms. Tulley seconded, motion carried unanimously on a voice vote to **adopt ORD. NO. 21-2017 and post according to law. ORD. NO. 21-2017 declared adopted.**

Relative to ORD. NO. 21-2017, Ms. Barber, a Macedonia resident thanked the Mayor and Council for her appointment.

**ORD. NO. 22 – 2017**

AN ORDINANCE AMENDING CHAPTER 525 OF THE CITY OF MACEDONIA'S CODIFIED ORDINANCES REGARDING LAW ENFORCEMENT AND PUBLIC OFFICE BY ADDING NEW SECTION 525.10 RELATIVE TO THE ESCAPE OF PERSONS UNDER DETENTION was **offered by Ms. Tulley and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by title only for all three readings**. Second by Mr. Molnar carried unanimously on a voice vote.

Ms. Tulley moved, Mr. Molnar seconded, motion carried unanimously on a voice vote to **adopt ORD. NO. 22-2017 and post according to law. ORD. NO. 22-2017 declared adopted.**

Relative to ORD. NO. 22-2017, Law Director Guidetti explained the new section provides a local escape provision within City's criminal code and allows each charge to stay with local jurisdiction of Macedonia's Mayor Court.

**ORD. NO. 23 – 2017**

AN ORDINANCE ENACTING CHAPTER 782 OF THE CODIFIED ORDINANCES TO PROVIDE FOR THE LICENSING AND REGULATIONS OF SCAVENGERS was **offered by Mr. Bilkie and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by title only for all three readings**. Second by Mr. Engle carried unanimously on a voice vote.

Mr. Bilkie moved, Mr. Molnar seconded, motion carried unanimously on a voice vote to **adopt ORD. NO. 23-2017 and post according to law. ORD. NO. 23-2017 declared adopted**

**MOTIONS / OTHER LEGISLATIVE ACTION** None

**CORRESPONDENCE:** Email from Luke Adams, Austin, Texas to Mayor Migliorini in appreciation for exemplary emergency services provided on February 20, 2017 to his father Stanley Adams, a resident of Vista Springs.

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**MAYOR'S REPORT:** Mayor Migliorini reiterated what he has said previously, that the passage of the income tax increase, Issue 3 appearing on the May 2nd ballot is critical to Macedonia. The City has been in a crisis since 2014 and 2015 as supported by the reports by the auditor of state. The increased tax rate will provide revenue needed for capital improvements for many well overdue road repairs. Without this revenue there will be no capital dollars Mayor Migliorini added for anything to be done. Aggressive action is needed now. The .5% increase will provide a rate of 2.25% effective July 1, 2017. Residents however may apply for a refund on taxes paid on .25%. This means Mayor Migliorini stated that what residents pay today in taxes they will pay tomorrow with the refund provision. Income tax revenue is the life support of the community Mayor Migliorini stated. Macedonia receives only \$1.5 million dollars in property tax revenue. Nearly not enough to support Macedonia's services he added. If the levy does not pass Mayor Migliorini stated that services will be cut and some streets may be closed because of their nearly impassable. It is incumbent upon him as an elected official Mayor Migliorini added is to insure that city roads are repaired primarily and most importantly for safety reasons. Secondary to that is to maintain the value of personal property for Macedonia's residents.

**COMMITTEE REPORTS:**

**Finance Committee** Ms. Tulley reported discussion on March 2 was about capital expenditures. The bottom line is there is no capital revenue for much of anything this year Ms. Tulley stated. Replacing the fire departments 27-year old aerial ladder truck was talked about, perhaps through a grant structure but that maybe wishful thinking Ms. Tulley stated. Also ten police cruisers are needed. Leasing may be an option as in years past because purchasing out right is not. Six service department and two park trucks are needed because Macedonia's fleet is getting older and no longer in good, safe operating condition. Ms. Hall will be researching the possibility of leasing more than several different types of vehicles under the umbrella of one leading institution Ms. Tulley stated. But at this point she added the only expenditures being discussed are cracking sealing and mandated EPA compliance issues and that is only by taking money from operating. The City is in serious trouble and it needs the help of every voters. There are no smoking mirrors Ms. Tulley stated. The City's crisis is real and Issue 3 is necessary the continual function of the City by providing for road and storm water repairs and for the needs of the Recreation Center.

**Parks & Recreation Commission** Mr. Bilkie reminded residents that Issue 3 provide for a percentage of the income tax increase to be allocated towards the continual operation and maintenance of the existing Recreation Center with perhaps a little extra for equipment upgrades.

**DEPARTMENT REPORTS**

**Service Department** Director Hnottavange reported that six roads were closed yesterday due to the severe weather and downed trees and power lines. Through coordinated efforts of the service department and both safety departments all one road was opened by 7:30pm. Mr. Hnottavange reported that several city properties sustained damage: Roof shingles at the Rec Center and City Center were blown off, the salt shed roof was blown off, and two sections of walls and the garage door at the 9000 Valley View Road service garage were severely damaged. All the damages are covered under insurance he added. Mr. Hnottavange announced chipping crews will be around within week or two, weather permitting to help residents' clean-up of their downed branches due to yesterday's storm. Mr. Hnottavange reminded Macedonia's senior citizens that the snow removal program is free to them, the program allows for only one push per 24-hours when snow fall exceeds 3" or more. The plow company only provides snow removal under this program after their personal accounts have been plowed. Mr. Hnottavange announced that the Macedonia Clean-Up Day is April 22 and will be held a Longwood Park. More information about the event will follow.

**Building Commissioner**

**Engineer** Mr. Gigliotti thanked Mayor and Council majority for his appointment. Mr. Gigliotti also thanked staff and department heads who he said have been very helpful to him during this last year. Mr. Gigliotti also was appreciative of Mr. Engle's comments. Mr. Gigliotti reported that the plan for the Aspen Dental and Starbucks building has been approved. Permits should be issued soon although there is no word when ground breaking has been scheduled. Mr. Gigliotti also reported that the building department continues to work with Petro Homes, the developer of

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new North Woods subdivision and its design engineer. At this point however the only permit pulled for North Woods has been for tree clearing.

**Recreation Department** Ms. Manley reported Red Cross training classes are being held March 27-30 from 9am to 4pm. Age requirement is at least 15-years of age. Spring break camp is March 18<sup>th</sup> through April 1<sup>st</sup> for children 6-12 years and is held from the hours of 9am to 3pm. Before and after care is available as well. Ms. Manley announced that this year's annual Aquatics Easter Hunt is Saturday April 1<sup>st</sup>. Registration is required.

**Finance Department** Director Hall stated for purposes of clarification that the applied for refund provision of Issue 3 will be made to the City of Macedonia and not the Regional Income Tax Authority. Ms. Hall reported that WM&E billing will be late this year due to a glitch in the software program. Ms. Hall is implementing a new process by moving billing information from older software program to the CMI software program because it's a newer program offering more efficiency.

Councilor Engle asked Ms. Hall the status of the Ohio Checkbook program Council passed last year to which she answered she was under the impression it was going to be reviewed this year to determine if there was time to implement it. At this point Ms. Hall added she has no time.

**Fire Department** Chief Black reported that within a 24-hour period the high winds of storm caused five downed power lines, one fire alarm, and eleven storm related emergency calls and five EMS calls. Sagamore Hills had nine total calls, two fire alarms, three downed power lines and four EMS calls and Northfield Center had six total calls: one fire alarm, one downed power line and 4 EMS calls. Chief Black reminded residents to be cautious when using alternative heat sources while their electricity remains off because these non electric heating generators (oil, gas, kerosene) cause carbon monoxide accumulation. Without a CO detector fumes are undetected and life-threatening Chief Black added.

**Police Department** Chief Golden reminded residents not to call Macedonia's dispatch control center when there is an electrical outage. The dispatchers do not know when the utility will be back on. Calling the dispatcher center for non-emergency calls is disruptive to their serious and timely business.

**Law Department** Law Director Guidetti had no report

**Unfinished business** Councilor Tulley thanked Chief Golden for his dispatchers who provide emergency alerts via Nixle particularly yesterday when alerts were being issued relative to electrical outage. Regarding the Rec Center, Ms. Tulley mentioned she meet several young boy residents who expressed their fear that the center will close if Issue 3 does not pass. This impressed Ms. Tulley because it shows that young people do pay attention. Ms. Tulley thanked Mr. Hnottavange and service department crew for meeting the challenge of keeping Macedonia roads clear during March 3<sup>rd</sup> snow storm.

**New business** Council President Molnar reported that he and Mayor Migliorini were interviewed twice by two local television stations regarding recent tornado scare because Macedonia does not have a tornado siren unlike some communities. Mr. Molnar explained that siren affixed to the former fire building that residents believe is a weather siren was the siren used to alert Macedonia's volunteer firefighters during times of emergencies. The old siren is manually activated. Installing a weather siren will cost about \$1 million dollars and if residents feel this is an important expenditure they should inform the office of the mayor or a member of Council Mr. Molnar stated. But at this point he added there really is no money for sirens.

Mayor Migliorini added today's technology provides many alert provisions, like smartphones which immediately send warnings through the National Weather service Weather radios provide the same and are an excellent source he added. The real purpose of sirens Mayor Migliorini explained is to alert folks who are outside during impending weather dangers for them to seek shelter. The Mayor reiterated that Macedonia has never had the discretionary dollars to install sirens but if residents feel siren are important than perhaps revenue designated for this purpose via a ballot issue may be the avenue to take. The last episode of this nature in Macedonia was 16 years ago Mayor Migliorini stated. Mayor Migliorini said he received not more than five calls about this mostly from residents living in the northeast corner of Macedonia who heard Twinsburg's siren.

There being no further business before Council, the meeting adjourned unanimously on voice vote at 8:40pm