

Record of Proceedings
Regular Council Meeting
May 11, 2017

Presiding Officer, Mayor Joseph Migliorini called the May 11 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 led by City Chaplin Commodore Tom O'Brien of Nordonia Hills American Legion Post 801

MINUTES Mr. Molnar moved, Ms. Tulley seconded and motion carried unanimously on a voice vote to approve the minutes of April 27, 2017 meeting.

FINANCIAL REPORT Ms. Tulley moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote acknowledging receipt of Finance Report dated April 30, 2017.

INTRODUCTION, CONFIRMATION AND SWEARING- IN OF K-9 OFFICER APOLLO

Mayor Migliorini read aloud the Oath of a Working Dog and thereafter the paw print of K-9 Officer Apollo was affixed to said Oath.

Council President Molnar moved, Councilor Hanneken seconded and motion carried unanimously on a voice vote approving the appointment by the Mayor of K-9 Officer Apollo as a member of the Macedonia Police Department.

Officer Sean Hathaway, the partner and handler of Macedonia K-9 Officer Haro and now K-9 Apollo explained that Apollo is the brother of Officer Haro. Apollo has been tested and is intellect with a high drive level demonstrating too that he adapts well socially, all characteristics of a good working dog Officer Hathaway stated. Officer Apollo is being trained as an explosives and patrolling dog. Officer Haro will continue as a drug and narcotic dog.

PUBLIC COMMENTS

~~~**Vini Ventura, 1479 Bruce Road** stated, "I would like to congratulate the Mayor and those council members on a successful education program that helped get Issue 3 passed. Thank you very much. I would also like to thank the committee members that I got to know and work with on Issue 3. What a team! With that said, because of the hard work and support from these residents I am here to let you know that Vincent J. Ventura Sr., will be on the ballot for Council in the November election. I will work hard and with integrity to garner the support of the residents of Macedonia. I will take the high road and not draw first blood. My agenda will be how may I help the City of Macedonia move forward? I will not worry about what others have done or didn't do. I will work as a legislator and public servant, not a politician, Thank you for your time."

~~~**Marvin Cross, 9005 Chinaberry Circle**, stated that he is a retired police officer who is very grateful Issue 3 passed. Realizing the serious conditions of many of Macedonia's roads r. Cross questioned if construction companies are held liable for damage caused by the heavy payloads of their construction vehicles. In Mr. Cross' opinion there has been so much commercial construction along Valley View Road that there should some restitution for the damage caused by construction companies. Mr. Cross feels this should be the case in subdivisions as well.

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Mayor Migliorini explained to Mr. Cross that trucks are prohibited by weight on certain roads like Valley View which has limited access. However construction trucks cannot be prohibited access to a construction site even on limited access roads. Mayor Migliorini explained that typically within subdivisions developers are encouraged not to lay the final layer of asphalt until all the lots are developed to avoid damage to the roads during development of a subdivision.

Council President Molnar interjected that certain roads like Highland and Valley View are engineered to withstand commercial trucks. However, Valley View for one has not been resurfaced in many years as evidenced by its condition.

~~~ **Kate Ols** stated, "I am here today representing a group of individuals from North East Ohio seeking a level 1 Cultivator and processing license, which would allow us to cultivate and process up to 25,000 square feet of growing space. We are currently looking at multiple properties in Summit County, a few of which are in Macedonia. While I am happy to see city council addressing this issue, and taking necessary steps to allow this opportunity for economic development in this community, I also know that limiting the opportunities here to cultivators only and not allowing processors is a roadblock for Ohio's future medical marijuana patients. Because smoking is not allowed in the state, processing is what makes medical marijuana accessible and usable to patients that need it. By receiving licenses for both cultivation and processing, we will be able to assure our products are high quality, tested and packaged in a way that is clean, professional, and educational for future patients. As cultivators, we don't want to rely on others to create an end product that we don't know what processes have been used or any other contaminants it may have come in contact with when being transported from facility to facility. Our goal is to do research and medically informed product development to identify and focus on the compounds which will specifically address the needs of a patient with any one of the 21 accepted medical conditions by the state. Most cultivators who are also applying for a processing license will house both businesses within the same building, which will only add to tax revenue and jobs that will be created in the city. Other cities which have created regulations for future medical marijuana businesses have required applicants to submit both odor and noise control plans, to assure that the surrounding businesses are not negatively impacted by this new industry. While I am grateful that this discussion is being had, I implore you to reconsider the ban on processing facilities for the benefit of both the community and future patients. Thank you."

**INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

**ORD. NO. 36 -2017**

CREATING CHAPTER 795 OF THE CITY OF MACEDONIA'S CODIFIED ORDINANCES RELATIVE TO ENACTING REGULATIONS FOR MEDICAL MARIJUANA CULTIVATORS, AND PROHIBITING DISPENSARIES AND PROCESSING CENTERS 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 for its second and third readings**. Second by Mr. Engle carried unanimously on a voice vote.

Mr. Molnar moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote to **amend ORD. NO. 36-2017 by deleting and/or adding text to the following areas within the ordinance and exhibit.**

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**Title and First and Second Whereas clauses: “...relative to enacting regulations for medical marijuana cultivators—~~but prohibiting dispensaries and processing centers~~”**

**Exhibit A- Section 795.13 (A) (1) “Upon receipt of an original application....local licensing authority ~~may~~ will schedule a public hearing...”**

**Exhibit A- Section 795.27 deleting in its entirety section/paragraph entitled “Prohibition of Processing or Retail Dispensaries of Medical Marijuana.”**

Roll call: Ayes: Bilkie, Engle, Hanneken, Molnar and Tulley  
Nays: None  
The motion carried

Mr. Molnar moved, Mr. Bilkie seconded to **adopt ORD. NO. 36-2017 as amended** and post according to law.

Roll call: Ayes: Bilkie, Engle, Hanneken, Molnar and Tulley  
Nays: None  
The motion carried. **ORD. NO. 36-2017 declared adopted as amended.**

Relative to ORD. NO. 36-2017, Council President Molnar explained that dispensaries and processing centers were deleted in part because state legislators have not formalized laws pertaining to the second and third part of processing medical marijuana. Macedonia and many communities like the city of Twinsburg Mr. Molnar stated are establishing governing regulations because of the level of revenue these types of facilities are estimated to generate.

Mayor Migliorini added that state legislators have established stringent guidelines regarding cultivating centers. The buildings must be totally enclosed, windowless, have twenty-four security; be camera secured, inside and out and the site must be totally enclosed by fencing. The City included additional regulations like requiring a Macedonia police officer on site the Mayor added. This administration has identified the G-I area at the north end of N. Freeway Drive as a viable location for a cultivation center because it’s a good distance from residential properties. Macedonia has been approached by three different companies looking for locations. Mayor Migliorini stated while he does not promote the use of recreational marijuana he knows firsthand the effectiveness of medical marijuana of easing the pain of cancer when one his family members was given stem cell cannabis when pain medications proved ineffective.

**ORD. NO. 37 -2017**

DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43 was **offered** by Ms. Hanneken and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title for its second and third readings**. Second by Mr. Engle carried unanimously on a voice vote.

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Engle moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote to amend Exhibit B of ORD. NO. 37-2017 to read as follows:

**“Valley View Road Replacement, Rebuilding and Resurfacing. Valley View Road from Route 82 to ~~Highland Road~~ southern terminus (southern corporate line) will be resurfaced, replaced and upgraded or rebuilt, including providing new and additional lanes where needed including the necessity of purchasing property for public use....”** .

Ms. Hanneken moved, Mr. Engle second and motion carried unanimously on a voice vote to **adopt ORD. NO. 37-2017 as amended** and post according to law. **ORD. NO. 36-2017 declared adopted as amended.**

Relative to ORD. NO. 37-2017, Mayor Migliorini stated that Tax Increment Financing or TIF is an economic development tool available to local governments to help finance public infrastructure improvements. The payments derived from the increased assessed value of any improvement to physical property are issued to a specific but separate fund to finance the repairs, enhancements described within the TIF legislation. In the case of The Avenue of Macedonia the description applies to every road leading to and from the first skilled nursing facility in the City; Route 82, Valley View and Park Avenue. The Mayor stated Ms. Hall estimates Macedonia will receive about \$62,000 annually under the TIF compared to receiving less than 10% without this economic tool. While the City is receiving more property tax revenue the Nordonia school system will not lose its share. The district will remain whole because Macedonia’s increased share is being generated from tax the County would have received the Mayor added.

**ORD. NO. 39 -2017**

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF EDWARD D. MANNEY TO THE POSITION OF FULL-TIME FIREFIGHTER/PARAMEDIC IN THE CITY OF MACEDONIA 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 for all three readings**. Second by Mr. Engle carried unanimously on a voice vote.

Mr. Bilkie moved, Mr. Hanneken seconded, **adopt ORD. NO. 39-2017** and post according to law.

Roll call: Ayes: Bilkie, Engle, Hanneken, Molnar and Tulley  
Nays: None

The motion carried, **ORD. NO. 39-2017 declared adopted.**

Relative to ORD. NO. 39-2017, Firefighter Manney thanked Mayor Migliorini and Council for his appointment and introduced his family members who were present.

Chief Black stated that he is pleased with the appointment of Firefighter Manney who ranked #5 on the Civil Service Eligibility List because he is energetic and enthusiastic. Mr. Manney replaces a recent hire who left Macedonia for a higher paying fire position elsewhere.

**RES. NO. 40-2017**

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS, BIDS AND SPECIFICATIONS AND FURHTER AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS TO ENTER INTO CONTRACTS FOR VARIOUS ROADWAY IMPROVEMENT PROJECTS WAS

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**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 for all three readings**. Second by Ms. Tulley carried unanimously on a voice vote.

Mr. Molnar moved, Ms. Tulley seconded and motion carried unanimously on a voice vote to **amend RES. NO. 40-2017, where applicable (the Title and First and Second whereas clauses) by deleting in entirety the following phrase, “to enter into contracts”**.

Mr. Molnar moved, Ms. Tulley moved to **adopt RES. NO. 40-2017 as amended** and post according to law.

Roll call:           Ayes:   Bilkie, Engle, Hanneken, Molnar and Tulley  
                          Nays:   None  
                          The motion carried, **RES. NO. 40-2017 declared adopted as amended.**

Relative to RES. NO. 40-2017. Councilor President Molnar thanked residents for supporting increasing the income tax rate to pay for roads, storm water and the Recreation Center. The promise to start the roads sooner than later is being kept by tonight’s action he added.

Mayor Migliorini commended residents for understanding the seriousness and the truth of the situation. The Mayor explained that the resurfacing project will start as soon as possible understanding that the bid process takes anywhere from 30-60 days. The lateness in the season and the fact that asphalt plants remain opened only until October sometimes November impacts how many roads can be paved this year. That is why Mayor Migliorini explained that the list of 40 roads to be repaired has been divided into thirds, the first part of the list being done this year. Group two and three will be tackled early in 2018 the Mayor added. This year’s roads include Skyland Drive, Laurel Drive (Chamberlain –Shepard), Sioux Lane, Waters Drive, Summer Road, Barkdale (Newport to Bonnie), South Skyland Drive and Macedonia Commons Blvd.

Ms. Hanneken interjected that the Macedonia Commons Blvd property owners should be assessed for repair of the boulevard in the same manner Highland Road and North and South Freeway Drives property owner were assessed given how costly the boulevard is to improve and the fact that the road primarily provides access to the Commons.

**ORD. NO. 41 -2017**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH HUMANA INSURANCE COMPANY FOR VISION CARE BENEFITS FOR ELIGIBLE MACEDONIA EMPLOYEES **offered** by Ms. Hanneken and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title for all three readings**. Second by Mr. Molnar carried unanimously on a voice vote.

Ms. Hanneken moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 41-2017 as amended** and post according to law. **ORD. NO. 41-2017 declared adopted as amended.**

Relative to ORD. NO. 41-2017, Ms. Hanneken explained that Humana replaces the vision care provider approved last December because the options for the employees for eye doctors were limited under EyeMed.

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**ORD. NO. 42-2017**

DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43 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 for all three readings**. Second by Mr. Bilkie carried unanimously on a voice vote.

Ms. Tulley moved, Mr. Molnar seconded, and motion carried unanimously on a voice vote to **adopt ORD. NO. 42-2017** and post according to law. The motion carried, **ORD. NO. 42-2017 declared adopted.**

Regarding ORD. NO. 42-2017, Mayor Migliorini explained that this TIF pertains to the property were Aspen Dental and Starbucks will be located. The roads relative to this TIF are Waters Drive and Route 82

**ORD. NO. 43 -2017**

DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43 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 for all three readings**. Second by Mr. Molnar carried unanimously on a voice vote.

Ms. Tulley moved, Mr. Molnar seconded, and motion carried unanimously on a voice vote to **adopt ORD. NO. 43-2017** and post according to law. The motion carried, **ORD. NO. 43-2017 declared adopted.**

Regarding ORD. NO. 43-2017, Mayor Migliorini explained that this TIF pertains to the parcel of land within Alexandria Square where the new medical building will be located. Mayor Migliorini stated that he intends that all forthcoming new commercial development be covered under TIF's.

**MOTIONS / OTHER LEGISLATIVE ACTION** None

**CORRESPONDENCE:** None

**MAYOR'S REPORT:**

~Mayor's Court revenue for April was \$42,685.00

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~Mayor expressed again how relieved he is that residents recognized the financial crisis Macedonia faced without an increase in the income tax rate. The Recreation Center would have been shuttered in eighteen months without if the income tax had not been supported. Now that there is a specific revenue stream for the Center some needed repairs and enhancements can finally be made. It is important to understand the Mayor continued that municipal recreation centers are not expected to be financially self sufficient. Generally speaking the service recreational centers provide enhance and supports the well-being of a community. Road improvement and storm water repairs, like cross over pipe repairs are now finally going to become a reality because of earmarked funds towards that end Mayor Migliorini added.

~The Veterans Memorial Park facelift and re-do is progressing smoothly. The veteran volunteers from Nordonia Hills Post 801 are doing a stellar job regarding the design of the park and fund-raising efforts. Once completed the park with a new walkway, new monument and fresh foliage is going to be beautiful Mayor Migliorini stated. The park land for the Veterans Memorial Park once called just Memorial Park was donated by Macedonia resident Colonel Peck who served in the army. Re-naming and re-designing the park in Mayor Migliorini's opinion would have pleased Colonel Peck.

~Progress is being made relative to the limited access road from The Crossings at Golden Link to Route 8. The Mayor explained that cost of the project will be a 100% assessed project. Each commercial property owner being assessed proportionality. The access road will not only encourage economic development relative to the last two remaining parcels located solely in Macedonia but will provide safe ingress and egress as well. Mayor explained that just recently the only accesses in and out were cut off leaving the ability to enter or exit The Crossings impossible creating a safety issue. The access road will provide relief for that reason as well as provide traffic relief at intersection of Route 82 & 8.

Councilor Hanneken asked Mayor Migliorini the status of the empty Sears Appliance store and Huntington Bank building at Alexandria Square to which Mayor Migliorini answered he was recently apprised that the Sears space has been leased (not finalized, he added) to a non-retail entity which does not please him. While local government does not have any control about the type of businesses that are leased as long as they are compliant with applicable zoning he prefers retail businesses. Regarding the Huntington building Mayor Migliorini stated that he has reached out to several banks to take over that location.

Councilor Tulley questioned whether the various tenants or the owner of Alexandria Square is responsible for making repairs to the parking lot to which Mayor Migliorini explained that there is a business association which is probably not as tight as it should be. Darrell Siebert, developer of Alexandria Square probably made many promises to the tenants which he never lived up to. The same occurred with the City. The Mayor explained during his previous term he made Darrell Siebert put up a \$25,000 relative to the entrance from Route 82 so that a signal light would be installed once the major portion of the development was completed. That however never came to fruition the Mayor added. Ms. Tulley mentioned the previous administrator tried during his term to get the Sears property occupied. Ms. Tulley commended Tip Top Cleaners in Alexandria Square for what Ms Tulley described as the beautiful roses the owners of the cleaners planted in front of the store.

**COMMITTEE REPORTS:**

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**Parks & Recreation Commissions** Councilor Bilkie thanked voters as well for passing Issue 3. The atmosphere of the commission meeting held May 3 was for once positive and uplifting. Now that there is guaranteed revenue the Recreation Center can immediately proceed with draining, repairing and painting the pools as well as upgrade the locker rooms and bathrooms he added.

Councilor Tulley interjected that during this year's Fun Fest Spirit of Macedonia a 5K run will be held at dusk, at 7pm Friday, June 9<sup>th</sup> at Longwood Park. A children's run will follow. Following the race there will be beer for runners 21 years and older. This year's run benefits the Human Society of Greater Akron Ms. Tulley added

Councilor Molnar added that the Classic Car Cruise-In will be held at what Mt. Molnar called the Spirit of Macedonia Fun Fest is being held Thursday, June 8<sup>th</sup> from 6-9pm.

**Finance Committee** Ms. Tulley stated she is scheduling a six month budget review for June 13 or June 15. Ms. Tulley mentioned a finance meeting was held off in part to learn the outcome of Issue 3. Gratefully the tax increase passed and while revenue is not yet in-hand going forward planning the annual budget will be less stressful knowing that the City now has long term, earmarked revenue for specified infrastructure needs.

(Since Mr.; Bilkie is unavailable for either date Ms. Tulley asked each member to check their availability in June. Thereafter a date convenient to everyone will be scheduled)

## **DEPARTMENT REPORTS**

The Mayor did not ask the directors to provide their respective department reports.

**Service Department** Director Hnottavange was present.

**Building Commissioner**

**Engineer** Mr. Gigliotti was present.

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

**Finance Department** Director Hall was present.

**Fire Department** Chief Black was present

**Police Department** Chief Golden was present.

**Law Department** Law Director Guidetti was present.

**Unfinished business** None.

**New business** Councilor Tulley reported that the annual joint Northfield-Macedonia cemetery budget meeting normally held the second Thursday in May is being held on May 25 at 7pm. Several needed capital improvements to the cemetery will be discussed.

There being no further business before Council, the meeting adjourned unanimously on voice vote at 8:30pm