

Record of Proceedings
Regular Council Meeting
June 7, 2017

Presiding Officer, Council President Nick Molnar, Mayor Pro Tempore called the June 7, 2017 regular meeting to order at 7:30m.

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

Absent: Mayor Joseph Migliorini

PLEDGE OF ALLEGIANCE & INVOCATION led by City Chaplin Commodore Tom O'Brien, Nordonia Hills American Legion Post 801

MINUTES Ms. Tulley moved, Mr. Engle seconded and motion carried unanimously on a voice vote approving the minutes of May 25, 2017 council meeting.

PUBLIC COMMENTS

~**Mark Andrasik, 1148 Brookpoint** before making a statement provided Council and the Mayor photos of flooding on his property caused by what he later described as run-off from an easement. Mr. Andrasik stated "I come here tonight not only as a concerned citizen but I am a professionally licensed civil engineer. We have lived in this home for 2 ½ years and for the past couple of years we have had storm water issues every year. Several times a year the structural integrity of our house has been challenged. Several times a year we have such a large capacity of turbulent, unsanitary and dangerous amounts of water that flows directly to our house. It's a threat. I am 6'2" and when I stand in the driveway I am knee deep. The water flows directly to the house. Behind the shed on my property there is 10 foot wide easement which according to the service department has a catch-basin with a 15" pipe which flows downstream to another catch basin to a neighbor directly downhill that connects the 15" to a 33" pipe. Long story short the drainage facilities are there but the water flows instead directly to our house. We come tonight asking the City to help us out to re-route the water to where it needs to go, where it was originally intended to go to the catch basins and the piping."

Council President Molnar informed Mr. Andrasik that Ordinance No. 54-2017 on tonight's agenda is intended to rectify the water situation on the Andrasik property as well as a few other properties.

~**Cathy Loya, 9186 North Bedford Road** stated, "Stormwater is on the forefront is on resident's minds right now because of the recent rains especially in April and May. I want to continue with what I have but I have been up here since 2006 complaining about my stormwater situation and I am told we've got to look at it, study, study, study. We can't take care of it; we can't do anything so we're going to pass the buck onto to somebody else. So I am glad there are people that are getting their stormwater situations taken care of, figured out, resolved. I am not one of them. With that being said, putting my own personal situation aside I have some questions that I'd like to ask tonight about stormwater because I am concerned about the situation here in Macedonia. As I have stated my stormwater situation is well known because of my time here at this podium. I have been in this community since 2005. The City has been receiving emails from me and seeing my face since 2006. My most recent email is from June 1, 2017. Again, I am fully aware of the City's stance on my stormwater situation, that it's a regional issue that is now under the guidance of NEORS. Dealing with this entity for over a year now with their study of my property and Indian Creek has been frustrating and slow. I am very pessimistic about the prospects of my stormwater situation ever getting solved in a satisfactory manner and this concerns both me and my husband quite a bit. In light of this, again, I want to inquire about stormwater all over Macedonia and leave my

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stormwater situation out of the conversation. So any answers that you might have I would really appreciate. My first question has to do with 883 Iroquois Run. It was a private residence that was purchased by the City from the resident in 2015. The City has owned this City, been in possession of it since December 2015. What are the engineering plans for the retention basin once this home is finally demolished? I can only assume and hope that the residents are going to be positively impacted on Iroquois and Cherokee Run. Are there plans in place?"

Engineer Joe Gigliotti told Ms. Loya that plans have been in place for a while. The City is just waiting for Summit County Land Bank to demolish the house.

Ms. Loya responded, "From the top of Shepard Road Indian Creek is a concern of mine because so many homes are in the path and it seems like there is out-of-control stormwater run-off. Where the retention is needed is at the top in order to control the flow that affects the people at the bottom. And this scenario seems to have been discussed for a very long time now, back in 2007 when we were on the Stormwater Committee and still nothing has been done. My second question has to do with standing water. Standing water from the rain events in April and May have led to the closure of Ledge Road under the railroad bridge. I think it was closed three times, one in April and twice in May due to high water. We also saw closure at N. Bedford Road and Route 82. What are the City's plans for addressing the movement of this water off of Ledge so that it doesn't collect and pool under the railroad bridge?"

Council President Molnar told Ms. Loya that the situation relative her property and water issues relative to the N. Bedford corridor is obviously related. But by comparison the cost of resolving the Brookpoint problem is \$12,000 compared to resolving the N. Bedford corridor estimated to cost millions Mr. Molnar stated. NEORS D has taken over this issue. This agency is funding corrective measures so at this point the City has no recourse; the City is at its mercy Mr. Molnar added.

City Engineer Gigliotti interjected that Rachel Webb, senior team leader for NEORS D met with him and Service Director Hnottavange to glean local input from them to incorporate into the NEORS D regarding drainage in the N. Bedford / Ledge corridor. Ms. Webb was made aware that this area is a major concern in the eyes of City officials and is to be considerate a high priority. Mr. Gigliotti added this area however is part of a much bigger picture which includes multiple communities and thousands of acres.

Service Director Hnottavange interjected that water collected under the Ledge Road Bridge because of clogged catch basins which have since been cleaned.

Ms. Loya continuing, stated, "Closing roads due to high water is a concern because not only is it an inconvenience but it also takes our safety forces away from their other duties and stand and block the roads on both sides so that drivers don't potentially get trapped. Not to mention they can't get around town either. My third question has to do with road projects announced for 2017 which is absolutely phenomenal. But what does Council identify as the top three stormwater concerns that they might see get addressed in 2017?"

Councilor Bilkie stated he personally has several, one of which is the Loya property which she knows is now under NEORS D's jurisdiction. Others include some drainage issues in Lake Forrest Estates and the other is the intersection of N. Bedford and Route 82. Regarding the latter, Mr. Bilkie said one moment the intersection was fine and the next it was not. The water just had nowhere else to go he said. Rolling Hills also encountered water issues he added. Council must work as a team and try to resolve as many of these issues as financially possible. Problems discussed during the days of Stormwater Committee are

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still problems Mr. Bilkie stated. Nothing of any consequence has been resolved in part because of their magnitude but primarily because of their cost.

Councilor Hanneken mentioned that she recently reviewed the stormwater report prepared in 2008 following the 2007 flood, one of the worst flooding events in Macedonia's history. The priorities today, the areas of most concern Ms. Hanneken stated are the same areas of concern that were identified in the 2008 report; Indian Creek, the Sioux Lane culvert, the areas of Brookpoint, Berkshire and Ledgeview and the Ledge/N. Bedford corridor. NEORS, as part of the mandated fee imposed on all Macedonia is taking ownership for funding and repairing the Sioux Lane culvert. The Ledge/N. Bedford corridor is now also under their domain because this area is considered as part of NEORD's regional plan. Ms. Hanneken mentioned too that she learned from Rachel Webb that the draft of plan relative to the Ledge/N. Bedford corridor should be completed by this fall. Implementation of any remedy however would probably not occur until 2018.

Councilor Tulley stated she was a member of the Stormwater Committee who took part in preparing the 2008 report. The committee determined that there were three major areas of concerns, the area of Our Lady of Guadalupe because of the amount of water coming from the church property to lower properties; the Ledge/N. Bedford corridor and an area south of Route 82 the subdivision off of Blue Jay Trail. Ms. Tulley said none of the problems could get resolved because the recession hit so dramatically and because the City, like every other communities also lost state revenue. Ms. Tulley said she would like to see the Stormwater Committee resurrected particularly now that there is a revenue stream. NEORS is taking ownership of and is financially responsible for Macedonia's large projects because of regional nature of Macedonia's serious problems. NEORS is also providing another level of funding for local stormwater related projects. This funding comes from a percentage of the mandated fee. There are several requirements however attached to this funding. NEORS must first approve the plans for the local projects and funding the project is in the form of reimbursement. The City pays then gets paid Ms. Tulley added.

Council President Molnar agreed with Ms. Tulley's assessment of critical projects. Mr. Molnar reminded the public that the rain events over the last several months have been record breaking. Extraordinary amounts of rainfall are affecting everyone in Northeast Ohio. Macedonia is not the only community under water he said. To put the issue into perspective Mr. Molnar added that Lake Erie is currently 8" higher than normal. Closing the roads during rain events is a safety issue. It is not meant to inconvenience drivers; it is meant to keep drivers safe. Mr. Molnar reminded the public that this area is called Nordonia Hills for a reason. Someone lives at the top end of a hill and someone else lives at the bottom.

Cathy Loya stated, I appreciate everyone's time, I see situation from that study that Sylvia pointed out from 2008, Shepard and Indian Creek, Everything runs downhill. Then there were road closures; under the railroad bridge and N. Bedford. I'm glad to hear folks taking about it again, that shovels are moving and things are getting fixed."

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

ORD. NO. 44-2017

AN ORDINANCE AMENDING SECTION 1167.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA REGARDING THE HEIGHT OF BUILDINGS LOCATED IN B-1 CONVENIENCE BUSINESS DISTRICTS was **offered** by Mr. Bilkie for its **second reading by title only**. Second not required.

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ORD. NO. 46 -2017

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF JANAI TONY TO THE POSTION OF PART-TME FIREFIGHTER IN THE CITY OF MACEDONIA was **offered** by Ms. Tulley who 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.

Ms. Tulley moved, Ms. Hanneken seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 46-2017** and post according to law. **ORD. NO. 46-2017 declared adopted.**

ORD. NO. 47 -2017

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF DANIEL PITTMAN TO THE POSTION OF PART-TME FIREFIGHTER IN THE CITY OF MACEDONIA was **offered** by Ms. Hanneken who 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.

Ms. Hanneken moved, Mr. Engle seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 47-2017** and post according to law. **ORD. NO. 47-2017 declared adopted.**

ORD. NO. 48 -2017

AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT BY THE MAYOR OF MEREDITH HURLEY TO THE POSTION OF PART-TME FIREFIGHTER IN THE CITY OF MACEDONIA was **offered** by Mr. Bilkie who 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 Ms. Hanneken carried unanimously on a voice vote.

Mr. Bilkie moved, Mr. Engle seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 48-2017** and post according to law. **ORD. NO. 48-2017 declared adopted.**

ORD. NO. 49-2017

AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT BY THE MAYOR OF CHRISTIAN ROE TO THE POSTION OF PART-TME FIREFIGHTER IN THE CITY OF MACEDONIA was **offered** by Mr. Engle who 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 Ms. Hanneken carried unanimously on a voice vote.

Mr. Engle moved, Ms. Hanneken seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 49-2017** and post according to law. **ORD. NO. 49-2017 declared adopted.**

ORD. NO. 50-2017

AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT BY THE MAYOR OF JOSEPH SCHUERGER TO THE POSTION OF PART-TME FIREFIGHTER IN THE CITY OF MACEDONIA was **offered** by Ms. Tulley who 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. Bilkie seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 50-2017** and post according to law. **ORD. NO. 50-2017 declared adopted.**

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ORD. NO. 51 -2017

AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT BY THE MAYOR OF MICHAEL VELAZQUEZ TO THE POSTION OF PART-TME FIREFIGHTER IN THE CITY OF MACEDONIA was **offered** by Ms. Hanneken who 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 Ms. Tulley carried unanimously on a voice vote.

Ms. Tulley moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 51-2017** and post according to law. **ORD. NO. 51-2017 declared adopted.**

ORD. NO. 52 -2017

AN ORDINANCE CONFIRMING THE FINAL APPOINTMENT BY THE MAYOR OF ALITA OLDJA TO THE POSTION OF FULL-TIME POLICE AND FIRE DISPATCHER was **offered** by Mr. Engle who 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. Bilkie carried unanimously on a voice vote.

Mr. Engle moved, Ms. Hanneken seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 52-2017** and post according to law. **ORD. NO. 52-2017 declared adopted.**

ORD. NO. 53-2017

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT RELATIVE TO THE REPLACEMENT OF THE SIOUX LANE CULVERT was **offered** by Ms. Tulley who 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 Ms. Hanneken carried unanimously on a voice vote.

Ms. Tulley moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 53-2017** and post according to law. **ORD. NO. 53-2017 declared adopted.**

ORD. NO. 54 -2017

AN ORDINANCE AMENDING ANNUAL APPROPRIATIONS ORDINANCE NO. 19-2017 RELATIVE TO ANNUAL EXPENDITURES OF THE CITY OF MACEDONIA FOR THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017 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 all three readings**. Second by Ms. Tulley carried unanimously on a voice vote.

Mr. Molnar moved, Ms. Tulley to **approved ORD.NO. 54-2017** and post same according to law.

Roll call: Ayes: Bilkie, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion passed. **ORD. NO. 54-2017 declared adopted.**

Relative to ORD. NO. 54-2017, Engineer Gigliotti explained that the appropriation needed to be amended in order to fund drainage repairs relative to several properties; a Ledgeacres Road property and two Brookpoint Drive properties. The appropriation includes the cost of renting a sewer video camera, a vat vehicle and money to make catch basin repairs.

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Service Director Hnottavange interjected service needed additional funds for road materials to spot patch and to hire more part-time, seasonal help.

Council President Molnar reiterated that the drainage repairs being made possible by Ord. No. 54-2017 are minuscule by comparison to the more serious and recurring issues several residents have been experiencing for years. Mr. Molnar apologized for that. He added however that at least now there is a revenue stream to help fund the projects that are smaller and therefore more financially manageable.

MOTIONS / OTHER LEGISLATIVE ACTION None

CORRESPONDENCE: Letter of appreciation to Dispatcher Bruce Genovese.

MAYOR'S REPORT: On behalf of Mayor Migliorini Council President Molnar reported that is light of changes in Macedonia's solicitor ordinance the administration is considering creating a "No Knock Registry" for which if residents are registered on this registry solicitors are prohibited from approaching these residences.

Law Director Guidetti interjected that Macedonia's new regulations are based on constitutional case law promulgated by the courts. Constitutional law traditionally makes it difficult, more restrictive regarding what communities are permitted to regulate. The "No Knock Registry" is however permissible the law director added. Mr. Guidetti explained that solicitors will receive the registry when they apply for a certificate of registration and then know which residences on the list they must skip.

Council President Molnar announced that the bid opening for 2017 road program is June 16th; the Spirit of Macedonia Fun Fest runs from June 8–June 11 and Mayor's Court revenue for May was \$50,685.00

COMMITTEE REPORTS:

Finance Committee Finance Chair Tulley announced there is a finance meeting on Wednesday, June 28th at 6:30pm. The meeting is meant to be "State of the City", a six month review of expenditures against the budget.

Parks & Recreation Commission Mr. Bilkie announced that the Commission did not meet this month because of the festival this week-end. Mr. Bilkie reported at the May meeting the Commission heard from the sponsor of the Wizard of Oz festival that will be held in Longwood Park on September 22. Mr. Bilkie stated Wizard of Oz festivals supposedly draw 15,000-20,000 Oz followers from all over the country even from internationally. The Commission also discussed upgrades at the Recreations Centers; locker room upgrade and resurfacing the pools. Mr. Bilkie thanked Mr. Hnottavange for ensuring railings are installed in the handi-cap restrooms within the park.

DEPARTMENT REPORTS

Service Department Director Hnottavange reported the City Center roof is currently being replaced which should be completed by mid next week. Thereafter work on the roofs of Recreation Center and park barns and that the salt building at 9000 Valley View Road will proceed. Mr. Hnottavange mentioned crews have been working on set-up and trail maintenance at Longwood Park in preparation to the Spirit of Macedonia Fun Fest and the 5K run. Crews are also prepping for storm water maintenance work.... i.e.

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ditching and driveway culvert installations. Mr. Hnottavange mentioned that he and Mr. Gigliotti have been performing “onsite” inspections of storm water related flooding throughout Macedonia. Twenty-eight residential areas have been reported. Mr. Hnottavange thanked Council for passing the appropriations ordinance which now allows for resolution of some flooding issues. Mr. Hnottavange also reported this year there is double the amount of free mulch available to Macedonia residents this year compared to last. Residents are responsible for acquiring the mulch at 9836 Valley View Road.

Building Commissioner

Engineer Mr. Gigliotti reported the road bids will open Friday, June 16 at noon..

Recreation Department Director Manley reminded residents that the Spirit of Macedonia Fun Fest starts tomorrow June 8 and runs through Sunday June 11. Ms. Manley mentioned many of the events and activities during the festivals include but are not limited to a classic car show, a 5K Run, amusement rides, food vendors and live music all of which and more is posted on Recreation Center’s Facebook and website. Ms. Manley added that Macedonia Fishing Day for children under 17 years is Saturday, June 17. There are two time slots that day for the event and everyone participating will receive a free fishing pole and be included in an educational workshop. Continuing, Ms. Manley announced that on Saturday, June 24th the Recreation Center is sponsoring its first city-wide garage sale. The Recreation Center is creating a master list of resident’s having their own garage sale at their personal residence. The Recreation Center is also advertising the event on behalf of all the residents. Lastly, Ms. Manley announced that registration is currently open for many recreational activities and programming all of which are on the Recreation’s website www.macrec.com and on Facebook.

Finance Department Director Hall announced that the state auditor will be resuming the city audit on June 8th and shortly thereafter will be scheduling an exit audit.

Fire Department Chief Black reported that the fire department is in the process of cleaning and flushing hydrants throughout Macedonia, Northfield Center and Sagamore Hills.

Police Department Chief Golden mentioned he and the Mayor have been working with Mr. Guidetti regarding the new soliciting ordinance regarding how and what resident can post on their property to prevent solicitation. The Chief added this also includes creating the “No Knock List”.

Councilor Tulley asked Chief Golden how School Resource Officer Glen Nicholls’ time is utilized not that school is not in session to which the Chief answered Officer Nicholl has other duties which include all prep work for City Prosecutor Myra Severyn; reports and videos as well as filling shifts on the road.

Law Department Law Director Guidetti had no report.

Unfinished business None.

New business None.

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