

Record of Proceedings  
Regular Council Meeting  
July 28, 2016

Presiding Officer, Mayor Joseph Migliorini called the July 28 regular meeting to order at 7:35pm.

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

**Absent:**

**INVOCATION & PLEDGE OF ALLEGIANCE** led by City Chaplain Commodore Tom O'Brien of American Legion Post 801.

**MINUTES** Mr. Molnar moved, Mr. Bilkie seconded, and motion carried unanimously on a voice vote to approve the minutes the public hearing and regular meeting of June 9, 2016.

**FINANCIAL REPORT** Ms. Tulley moved, Ms. Hanneken seconded, and motion carried unanimously on a voice vote acknowledging receipt of Financial Report dated June 30, 2016.

**PUBLIC COMMENT**

~ **Vini Ventura, Bruce Road** resident and member of Macedonia Civil Service Commission expressed support for Issue 1. Mr. Ventura applauded the administration for being proactive, for trying to implement immediate action towards improving Macedonia's roads and for providing a revenue stream for that purpose. There are many services which could be provided to residents like sewer clean-outs and tool and equipment rental if money for roads were freed-up to provide for other services Mr. Ventura stated.

~ Regarding another matter, **Harmon Road resident Terry Repak**, speaking in regards to Ordinance No. 34-2016 stated that he had been a little harsh on building department personnel but now knows that the department has all new employees. Mr. Repak said he is not opposed to thoughtful reform when necessary and asked Council that when it considers Ordinance No. 34-2016 they respect the Code, that they respect and maintain current B-O zoning.

~**Michaelle Repak, Harmon Road** resident and spouse of Terry Repak stated the value of their property lies in the hands of City Council. That said Ms. Repak asked that Council not support the rezoning, that something like the drive-thru that has been proposed will negatively impact their property value and that of the neighborhood.

~**John Leben, 1066 Berkshire Drive** suggested that the sound system in Council Chambers be improved because of how difficult it is hear what is being said while watching previously video recorded meetings. Mr. Leben thanked Mayor Migliorini for stopping the individual at the last Council meeting during public comments who was "bad-mouthing" an elected official. The previous mayor Mr. Leben stated never took that initiative and Mr. Leben appreciated that Mayor Migliorini did. Regarding the proposed income tax increase for roads, Mr. Leben questioned why there was no end date for the tax and how much is money is currently allocated to road improvement.

Mayor Migliorini informed Mr. Leben that currently the City does not have the funds for road improvements. The road improvements over the last few years were paid for with cash which depleted the City's resources the Mayor added. Continuing Mayor Migliorini explained that there is over \$20 million dollars worth of infrastructure improvements that need to be done immediately. The City cannot continue to piecemeal improvements, a road here and a road there. The City can never catch-up or get on top of all that needs to be done unless there is revenue specifically earmarked for this purpose. Federal,

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state or local grants/loans are no longer available for residential streets Mayor Migliorini stated. Besides the roads there are additional capital improvement needs Mayor Migliorini added.

~**Liz McKinley of 1193 Lanes End**, a Macedonia resident and member of Nordonia Hills Board of Education expressed appreciation to Sergeant Brian Glontz for providing her service when her car blew a tire while driving on Valley View Road. Ms. McKinley stated Sgt. Glontz not only changed her flat tire but provided safe escort to her home. Regarding a matter Ms. McKinley stated a Nordonia resident has raised concerns to her as a member of the school board member which Ms. McKinley added she feels compelled to address. Explaining further, Ms. McKinley stated, "Sunshine states I can only speak for myself and never for the Board of Education as a Whole. I was asked about a Facebook post on the Macedonia civic information page which I did not know existed at the time. The post had links to a June 22, 2016 *NewsLeader* article about the school board and responses given at the following June 27, 2016 meeting from Messer's Szabo and Brachna. The concern I present to you this evening is that there was a part of the big picture that was left out. Everyone is entitled to their opinion. I would never want anyone to take my right of freedom of speech or my opinion away from me. However, I believe that it is very important that I have all the information before forming my personal opinions. I respectfully ask that you add the presentations from the June 13, 2016 special Board of Education meeting by Mr. Bertchold and Ms. Strong that were about the article and future opinions. In an effort to be fair to all residents it is only right that all information should be presented so that our residents have a complete picture to form their own opinions. I want to see our Macedonia community and our Nordonia Hills community to be able to unite and to make strong community ties and build trust. As a Board of Education member it is my desire to see our good schools become great schools through strong collaboration and focus our efforts on the education and our communities' children."

~**Doug Hauser, Harmon Drive** resident asked Mayor Migliorini if there is a list of the roads that need to be repaired/improved for which the proposed tax increase would be used to which the Mayor answered the list is posted on the City's website as well as in the City's eMessenger.

~**Roy Metzel, Smokerise Drive** expressed support for Issue 1, increasing the income tax rate for the purpose of improving Macedonia's roads. Residents don't know or always remember Mr. Metzel stated that very little of the residential property tax dollars is earmarked for Macedonia. The greater portion of each dollars goes elsewhere and for that reason that revenue from income tax collection supports city services.

~**Karen Bartolozzi, 1377 Driftwood Lane** also expressed support of Issue 1. Driftwood Lane is severely deteriorated and if repair is not done soon there will be nothing left of the road Ms. Bartolozzi added. Ms. Bartolozzi is willing to pay more income taxes personally she said in order to fix Driftwood as well as to fix all the other roads throughout Macedonia.

~**Holly Gulfain, 8259 Fairlane Drive** questioned why action regarding the rezoning has been postponed to which Mayor Migliorini responded due to procedural issues. Ms. Gulfain said she is opposed to the coffee drive-thru proposed at the south end of Fairlane. Ms. Gulfain is opposed to the income tax increase as well.

~**Unidentified Fairlane Drive resident** complained about delivery trucks habitually parking on the wrong side of the road in the wrong direction. FedEx was mentioned as a constant offender. The trucks create a confusing and extremely hazardous condition for other traffic the resident stated.

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Mayor Migliorini stated the City will post “No Stopping/Parking” signs on both sides street. The Mayor advised residents to call the police department when witnessing illegal parking.

**\*July 28, 2016 minutes amended by majority of Council on August 25, 2016 to include the following statement.**

**“During portion of the meeting allocated to comments by the public Ms Hanneken requested to comment but Mayor Migliorini as presiding officer denied her the opportunity”**

**INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

**ORD. NO. 34 – 2016**

**Mr. Bilkie moved, Mr. Molnar seconded and motion carried unanimously on a voice vote to hold at its second reading ORD. NO. 34 – 2016: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MACEDONIA TO REZONE CERTAIN LAND FROM THE BUSINESS OFFICE DISTRICT (B-O) TO THE CONVENIENCE BUSINESS DISTRICT (B-1) [First Reading; 4-28-16; Second Readings: 5-12-16; 5-26-16; 6-9-16].**

**Relative to ORD. NO. 34-2016, Mr. Bilkie moved, Ms. Tulley seconded to schedule a second public hearing for Thursday, September 22<sup>nd</sup> at 6:45pm**

**ORD. NO. 44– 2016**

AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #17-2016 FOR ADDITIONAL EXPENDITURES (MOP) was **offered** by Mr. Molnar for its **second reading by title only**. Second not required.

**ORD. NO. 55– 2016**

AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #17-2016 FOR SALARIES/WAGES AND ADDITIONAL EXPENDITURES FOR THE PERIOD JANUARY 1, 2016 TO DECEMBER 31, 2016 was **offered** by Mr. Molnar for its **second reading by title only**. Second not

**ORD. NO. 56 – 2016**

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH FIRST ADVANTAVE ENTERPRISE SCREENING CORPORATION TO PROVIDE PRE-EMPLOYMENT BACKGROUND CHECKS FOR ALL POTENTIAL NEW EMPLOYEE OF THE CITY OF MACEDONIA was **offered** by Mr. Engle 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 was by Mr. Molnar and **motion authorizing the same carried by majority voice vote. Ms. Hanneken dissented.**

Mr. Engle moved, Ms. Tulley seconded, and motion **carried by majority voice vote, Ms. Hanneken dissenting, to adopt ORD. NO. 56-2016 and post same according to law. ORD. NO. 56-2016 declared adopted.**

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**RES. NO. 57– 2016**

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE OHIO PUBLIC WORKS COMMISSION FOR A POTENTIAL GRANT AND/OR LOAN FOR THE FUNDING OF CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECTS was **offered** by Ms. Tulley for its **first reading by title only**. Second not required.

**MOTIONS/ OTHER LEGISLATIVE ACTION**

~ Mr. Bilkie moved, Mr. Molnar seconded and motion carried unanimously on a voice vote authorizing the Fire Chief to accept on behalf of the City of Macedonia a donation of Ten Dollars (\$10.00) from Douglas Miller, Macedonia Ohio.

~ Mr. Molnar moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote to withdraw Council's request for hearing relative to Fun & Stuff liquor permit application.

**CORRESPONDENCE:** None.

**MAYOR'S REPORT**

- Mayor Migliorini reported that Mayor's Court revenue for month of June was \$41,473.99.
- Mayor Migliorini stated one method of increasing revenue for road improvements would have been to increase property tax. To him and other members of Council this was not the best method. Macedonia has never earmarked a stream of revenue specific to improving and maintaining roads and now is the time to do that Mayor Migliorini stated. Maintaining roads in this part of the county is a continual struggle Mayor Migliorini explained because of the severe and extreme fluctuations in the weather. Continuing, the Mayor stated Macedonia's older; more mature subdivisions are subject to serious road and culvert losses. The estimate to immediately repair the roads is \$20 million dollar Mayor Migliorini stated with \$7 million worth following shortly thereafter. By comparison, smaller Northfield Village is faced with \$14 million worth of residential street repairs Mayor Migliorini added. The Mayor encouraged residents to support Issue 1, to support repair and maintenance of Macedonia's roads, to support keeping Macedonia property values up.
- Mayor Migliorini reported that Carvo Construction is installing two handi-capped parking spaces at Longwood Manor at no cost.

**COMMITTEE REPORTS**

**Parks & Recreation Committee** Mr. Bilkie announced the next meeting is August 3<sup>rd</sup> at 6:30pm at the Recreation Center.

**Longwood Manor Historical Society** Deb Mikulski, newly elected vice president of the LMHS provided committee report from June 7-June 28. (Attached)

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**DEPARTMENT REPORTS**

**Service Department** Director Hnottavange reported that concrete floors have been poured in three baseball dugouts at Longwood Park. Two additional dugouts are being prepared for the same. Once all eight concrete dugouts are installed masonry walls will be added Mr. Hnottavange stated. Catch basin repairs continue. Presently the crew is working on Firestone Lane. The next locations are Elmwood Drive and Crow Drive. Crews have also been working on landscape clean-up throughout the City, at the City Center and the Recreation Center. The July 13<sup>th</sup> storm left its mark on Macedonia Mr. Hnottavange stated. The service department was dispatched at @ 11 pm and within two hours cleared tree and limbs from 36 different locations. Mr. Hnottavange announced that due to the volume of debris crews will be providing residents throughout the city a one-time branch chipping service beginning August 1<sup>st</sup>. The “branch activity list” can be found on the city website Mr. Hnottavange added.

Councilor Bilkie asked Mr. Hnottavange the status regarding repairing/replacing the many non-functioning streets lights throughout the city to which the service director answered the service department has begun making all the repairs. Mr. Hnottavange mentioned that the typical cost of call-out to Ohio Edison to fix a light is around \$1200-\$1500 and it is months before there is a response. The City’s cost including labor will be far less expensive and more efficient Mr. Hnottavange added.

Mayor Migliorini interjected that Macedonia is asking Ohio Edison to reimburse Macedonia for services Macedonia has provided towards this end. Ohio Edison is obligated under the “tariff laws” to provide services, i.e., repair and maintain street lights. Ohio Edison however is not quick to respond and therefore Macedonia is compelled to act. In fact Mayor Migliorini added he is holding back on paying Ohio Edison’s invoice last year of \$44,000.

**Building Commissioner** Mr. Rodic was not present.

**Engineer** Mr. Gigliotti reported that ODOT has fixed fences south of the sound walls relative to Summer Road properties and the I271 project. ODOT is committed also Mr. Gigliotti stated to remedying the light pollution effecting residential properties located on the east side of Summer Road. Based on continual complaints by Summer Road residents, ODOT continues to review the sound wall, its height and effectiveness.

Mayor Migliorini asked Mr. Gigliotti to elaborate on Res. No. 57-2016, the grant/loan application to OPWC as it relates to sanitary sewers at the south-end of Shepard Road to which Mr. Gigliotti explained the application allows the City the opportunity for funding by way of loan or grant. While there is no guarantee the City will be acknowledged or approved, if awarded the 50/50 application would help defray some of the cost of the sewers, perhaps the resident’s portion Mr. Gigliotti stated. The City is not obligated to accept the award if granted Mr. Gigliotti added. There is however a pecking order and number award system regarding the application process and thus the importance attached to applying Mr. Gigliotti stated.

**Recreation Department** Ms. Manley announced that summer recreation programs are winding down and registration is open for fall programs like soccer and flag football. Ms. Manley announced the annual free Movie in the Park on Friday, August 5<sup>th</sup> is from 6pm-10:30pm. All were welcomed to enjoy the movie “Utopia” while also enjoying music from a live band and dinner from various food trucks. Ms. Manley also announced that the Recreation Center will not be closed for a week for its annual facility maintenance as in years passed. This year only the natatorium portion will be closed the week of September 12-18 for its annual draining, cleaning and pump maintenance.

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**Finance Department** Ms. Hall announced that income tax collection for July was \$664,168.34. Total tax receipts are up from last year by \$44,707. Receipts for 2016 thus far are \$5,126,918.33, down by \$48,666.46 from the previous year Ms. Hall added. Ms. Hall mentioned a political ad posted in the NewsLeader during the last several weeks provided misleading and inaccurate information about employee salaries and operational costs. Ms. Hall explained that when current year expenditures are compared to prior year expenditures total fund expenditures should be the used. Using just salaries and department costs is not an accurate measure of the City's spending Ms. Hall stated. Additionally, Ms. Hall explained there are city funds in which the allocation of the funds is earmarked and can legally only be used for a specific, designated purpose. Monies in these funds are not transferrable to other funds. For example Ms. Hall continued, police and fire levy fund monies cannot be transferred to fund road projects. The political ad also stated the expiration of the debt service relative to the city and recreation centers will free up about \$800,000 which could be used for roads. The fact is Ms. Hall stated 55%, or about \$600,000 of the retired debt service is attributable to the Recreation Center Fund and not the General Fund. The difference of about \$250,000 it was suggested in these postings could be used to pay annual debt service on bonds for road projects. Ms. Hall explained the math of bonding \$15,000,000 with an annual debt service payment of \$250,000, interest and principle included would take 60-years to payoff. The length of the bond correlates to the life of the capital improvement and with regards to roads is 20-years Ms. Hall stated.

**Fire Department** Chief Black reported that annual fire hydrant maintenance; painting, flushing and lubricating is underway and that delivery of the new fire medic unit is expected tomorrow, July 29<sup>th</sup>.

**Police Department** Chief Golden reported the police department Facebook is providing information about avoiding or reporting on-going and pervasive scams targeted primarily to the elderly.

**Law Department** Mr. Guidetti stated the Ohio Department of Liquor Control will be advised of Council's withdrawal for a hearing relative to Fun & Stuff's liquor permit application. Regarding the closely watch political subdivision water immunity case, Huttman v. Parma, Ohio, Mr. Guidetti stated that oral argument in the 8<sup>th</sup> District Court of Appeals are this week. A ruling is not expected for at least six months Mr. Guidetti added

Councilor Bilkie asked Mr. Guidetti to elaborate on the pending lawsuit by a company who wants to sell pest control door to door in Macedonia to which Mr. Guidetti answered this is not the first challenge to Macedonia soliciting ordinance. A Utah company filed a lawsuit today in federal court against Macedonia and an Ohio township. Macedonia's ordinances are entitled to a presumption of constitutionality Mr. Guidetti stated and Macedonia's in this regard he feels is strong.

**Unfinished business** Councilor Bilkie suggested to Councilor Hanneken that she apologize for telling the public to shut up during the June 9<sup>th</sup> meeting.

Councilor Hanneken told Councilor Bilkie that evening the public was making comments during the same time Ms. Hanneken was requesting clarity from the clerk. Their comments and laughter were disruptive making the proceedings difficult for her to hear. Ms. Hanneken stated she normally would not have reacted that way and she knows that will never happen again. However, in her opinion it was a minor incident compared to all the personal attacks that have been made against her, including, she added the Censure for which she was blind-sided.

Councilor Bilkie interjected that it is the responsibility of every member of Council to maintain decorum to which Ms. Hanneken responded, she agreed.

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**New business** Ms. Hanneken stated she does not support Issue 1. Road repairs are a paramount concern but in Ms. Hanneken opinion funds that could have been used for road have been redirected for operational use. Ms. Hanneken believes \$800,000 will be available for roads after the debt service on to City Center and Recreation Center expires. Macedonia is not revenue poor Ms. Hanneken opined and therefore increasing the income tax is unnecessary. Regarding the proposed \$36 Capital Plan, Ms. Hanneken does not agree with several aspects of the plan particularly several major proposals like purchasing Park Avenue properties to create a town center and creating two roundabouts. Regarding the NEORS D storm water fee Ms. Hanneken opined the community share of 25% or about \$225,000 each year provides an ongoing revenue stream for Macedonia's water issues. Additionally, NEORS D is taking responsibility for Macedonia's major storm water issues. Ms. Hanneken opined that increasing the income tax rate to 2.5% also deters future growth of the City; companies will go elsewhere since the tax rate of the neighboring communities is more competitive. There are many residents too Ms. Hanneken added who cannot afford the additional tax. Ms. Hanneken encouraged residents to vote against Issue 1 for these reasons and for the reason funds are currently available which can be diverted for road repairs.

Council President Molnar disagreed with Ms. Hanneken. Revenue is needed for improving Macedonia's roads. The City has done the best it could do with what it has had. The City has lived within its means without raising property taxes that have not changed regarding the city's portion since the 1960's. Macedonia has the sixth lowest tax rate in Summit County Mr. Molnar stated. Income taxes revenue unfortunately is not a guaranteed constant as evidenced by the 2008 recession Mr. Molnar added. When is the best time to make the commitment, Mr. Molnar asked? Some time ago an astute resident came to meeting asking Council directly to let the residents decide how their tax dollar should be spent Mr. Molnar and yet Council took no action then. The \$800,000 Ms. Hanneken speaks of Mr. Molnar stated is not a pot of gold. It is not enough to provide for the millions of dollars worth of road work that needs to be done or for the fire ladder truck needed to replace the fire departments 20-year aerial truck. The community share from NEORS D Ms. Hanneken continues to mention does not even cover the cost of the Sioux Road culvert Mr. Molnar stated. Mr. Molnar commented that the recent political ads against Issue 1 are eerily reminiscent of the political ads during the last election. What does that say about an individual who is not willing put his name on an ad Mr. Molnar asked? Mr. Molnar said he and Councilors Bilkie and Tulley openly endorsed Issue 1 because they are not afraid to speak openly and because it's time to make the commitment for improvements.

Regarding another topic, Council President Molnar informed the public that Macedonia has only one officially sponsored website, i.e. [www.macedonia.oh.us](http://www.macedonia.oh.us). There is no other website or information board recognized as officially Macedonia's. Information disseminated under any other title does not have the approval of the administration or Council of the Whole.

Law Director Guidetti interjected that City has no control over the other websites. The City cannot add or delete information.

Councilor Tulley said she supports Issue 1 because Macedonia's roads are horrific. There is no other description for them she added. The City has never been able to fully attack its deteriorated road system. There are no longer outside resources of funding for this purpose. Now is the time for local commitment. Regarding the roundabouts proposed in the Capital Plan, Ms. Tulley said studies show roundabouts provide for four times more traffic flow. This is progressive approach to handling Macedonia increased traffic Ms. Tulley stated. And Macedonia's water issues have always been a serious concern. The Ledge Bedford Road corridor has to be addressed Ms. Tulley said. Last year Council chose to purchase private property because of continual water issues instead of addressing the overall issue. Ms. Tulley said the

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City does not have resources to buy personnel property but in that situation it seemed to be the only alternative. Ms. Tulley added that Macedonia is not the federal government. The City cannot take money from one account to fund another account like the federal government has done with veterans' benefits or social security. Issue 1 will cost taxpayers more Ms. Tulley added but the result will be a long term city-wide benefit.

Councilor Hanneken interjected if Issue 1 fails Macedonia will not be revenue poor. Macedonia receives \$1.5 million more annually in income tax revenue than the City did in 2007. Ms. Hanneken cited several examples of revenue sources in her opinion which could be used for roads if the monies were properly allocated.

Mayor Migliorini interjected that is no additional revenue for roads as Ms. Hanneken continues to state. Nothing of what Ms. Hanneken has stated is true Mayor Migliorini said to which Ms. Hanneken answered nothing of what Mayor Migliorini is saying is true.

Councilor Tulley told Ms. Hanneken that last year while she was finance chair she told Council there was a \$1 million to spend on roads and Council spent \$1million on roads but that million was not there to spend to which Ms. Hanneken answered there was a million.

**New business** Councilor Tulley thanked Engineer Gigliotti for contacting ODOT about the concerns Summer Road have regarding the sound wall and off-ramp lighting. Ms. Tulley thanked Mayor Migliorini and Chief Golden for providing quick remedy to the faulty crossing signal light at Crow.

There being no further business the regular meeting of Council was adjourned at 9:30pm.