

Record of Proceedings

Special Meeting

July 31, 2017

1 Presiding Officer, Mayor Migliorini called the July 31, 2017 special meeting to order at 6pm.

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3 **Present:** Council members' Kevin Bilkie, Sylvia Hanneken, Nicholas Molnar and Janet Tulley;
4 Law Director Mark Guidetti and Council Clerk Josephine Arceci were also present.

5
6 **Absent:** Councilor Dave Engle

7
8 **Legislative purpose as follows:**

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10 **ORD. NO. 44 -2017**
11 AN ORDINANCE AMENDING SECTION 1167.02 OF THE CODIFIED ORDINANCES OF THE
12 CITY OF MACEDONIA REGARDING THE HEIGHT OF BUILDINGS LOCATED IN B-1
13 CONVENIENCE BUSINESS DISTRICTS was offered by Mr. Bilkie for its **third reading by title only.**
14 Second not required.

15
16 Councilor Hanneken opined this ordinance as well as all the ordinances that follow pertaining to changing
17 the heights of buildings in all the business zones should be held until the next regular meeting on August
18 17th to provide for a full complement of council and to also provide the public more opportunity to
19 comment.

20
21 **Ms. Hanneken moved to hold ORD. NO.44-2017 at its second reading for the reasons she stated**
22 **above but there being no second the motion failed.**

23
24 Mr. Bilkie moved, Mr. Molnar seconded and motion carried by majority on voice vote **to adopt ORD.**
25 **NO. 44-2017 and post same according to law. ORD. NO. 44-2017 declared adopted.** Ms. Hanneken
26 dissented.

27
28 **Prior to roll call on Mr. Bilkie's motion to adopt** Ms. Hanneken stated that most residents are unaware
29 of the building height changes in the various zoning districts and for this reason she reiterated city
30 officials owe it to the residents not act upon these measures during a special meeting. Ms. Hanneken
31 added that there has not been an adequate explanation why these changes are being implemented and the
32 news reporting on these changes has not been extensive.

33
34 Council Molnar agreed in part with Ms. Hanneken he said if Ord. No. 44-2017 had been introduced for its
35 first reading on May 25, 2017. In the nine weeks Ord. No. 44-2017 has been on the table only one
36 resident has provided written comment.

37
38 Law Director Guidetti interjected that there has been time for the public to make comment given that Ord.
39 No. 44-2017 has been an agenda item for two regular meetings since its introduction.

40
41 Mayor Migliorini provided a historical perspective relative to building heights by explaining that in 1977
42 and for over a two-year period he, Judy Sublett and Ron Kovach revamped building heights in all the
43 zoning districts in Macedonia. At that time Macedonia's fire department did not own an aerial ladder fire
44 truck, so 35 feet seemed like the optimum height of the buildings. Since the City owns a 110ft aerial fire
45 tower and has for over 20-years increasing building heights is possible. Today's buildings are also safer
46 because they must be fully sprinkled. Many fires are often extinguished immediately or at least abated
47 because of required sprinkling systems. Mayor Migliorini stated that as soon as he took office he was
48 called by officials from the Marriott Corporation because they want to build on the parcel south of the
49 Girl Scout Building. The prototype of the building is four stories. Mayor Migliorini conferred with both
50 safety chiefs about the variance in height and neither thought the additional floor a problem regarding
51 potential safety issues. Mayor Migliorini supports a higher structure in this B-1 zone because the
52 proposed building would be flanked on one side by I271 and therefore less conspicuous. The Mayor
53 added changing the heights of building is an economic tool. The Mayor also added that a TIF would be
54 applied to the Marriott.

55
56 Councilor Tulley stated Ordinance No. 44-2017 does not need to be discussed further discussion in as
57 much as it has been on the agenda for nine weeks. The public had opportunity to comment on May 25,
58 June 2 and July 27. Other than Mr. Repak's letter Ms. Tulley has not heard from any other resident. Ms.
59 Tulley added the calls she is receiving are about the roads and storm water not about increasing building
60 heights.

61
62 Councilor Bilkie stated the comments he has received are all positives, a decent hotel in the center of the
63 city instead of the few options around Highland Road.

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64 Councilor Hanneken interjected that has an economic development tool hotels are not great money
65 makers. Moreover changing the height in B-1 zoning is really not necessary in as much as Macedonia's
66 B-4 zoning district already permits higher structures. Ms. Hanneken complained that all the districts
67 where building height changes have been proposed about residential zoning. Ms. Hanneken added that she
68 personally is not against a Marriott or an Ameri-Suite coming to Macedonia. In fact these hotels would
69 be fully justified in Macedonia's current B-4 zoning district. However, Ms. Hanneken objects to the fact
70 that the public has not been fully apprised of the radical changes within the B zoning districts. In Ms.
71 Hanneken opinion the proposed changes could be problematic.

72
73 Councilor Bilkie said he does not believe changing the building heights is radical at all.
74

75 Councilor Tulley added the NewsLeader as well as NordoniaHillsNews.com reported the change in
76 building heights. It has been all over Facebook as well. Ms. Tulley said she personally just spoke with
77 100 residents. All residents want to talk about is safety, roads, and storm water. Ms. Tulley is happy to
78 have received Mr. Repak's letter this evening she said. Ms. Tulley supports the change in height but she
79 does not want it construed that this Council ignored residents as Ms. Hanneken has implied.

80
81 Law Director Guidetti also added that Mayor Migliorini has mentioned several times Ordinance No.44-
82 2017 promotes economic development for a hotel in the B-1 district. The change in this ordinance as well
83 as the subsequent zoning ordinances provides for overdue updating.

84
85 **ORD. NO. 56 -2017**
86 AN EMERGENCY ORDINANCE AUTHORIZING AN AMENDMENT TO THE NORTHFIELD
87 CENTER TOWNSHIP – MACEDONIA JOINT ECONOMIC DEVELOPMENT DISTRICT
88 AGREEMENT REGARDING THE ADDITION OF 2.1001 ACRES OF LAND TO THE TERRITORY
89 OF THE JEDD was offered by Mr. Molnar for its **third reading by title only**. Second not required.

90
91 Mr. Molnar moved, Ms. Tulley seconded and motion carried unanimously on a voice vote to **adopt ORD.**
92 **NO. 56-2017 and post according to law. ORD.NO.56-2017 declared adopted.**

93
94 **ORD. NO. 60 -2017**
95 AN ORDINANCE AMENDING ANNUAL APPROPRIATION ORDINANCE NO. 19-2017 FOR
96 ADDITIONAL EXPENDITURES OF THE CITY OF MACEDONIA FOR THE PERIOD JANUARY 1,
97 2017 TO DECEMBER 31, 2017 was **offered** by Ms Tulley and moved Council waive the requirement
98 that it be read by title on three different days, instructing the Clerk to read it by **title only for its second**
99 **and third readings**. Second by Mr. Molnar carried unanimously on a voice vote.

100
101 Ms. Tulley moved, Mr. Bilkie seconded and **motion carried unanimously on a voice vote to adopt and**
102 **post according to law. ORD. NO. 60-2017. ORD. NO 60-2017 declared adopted.**

103
104 **ORD. NO. 61 -2017J. Tulley**
105 AN ORDINANCE AMENDING & SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 41-2011
106 RELATIVE TO MONIES PREVIOUSLY ADVANCED TO THE HIGHLAND ROAD BRIDGE FUND
107 was **offered** by Ms Tulley and moved Council waive the requirement that it be read by title on three
108 different days, instructing the Clerk to read it by **title only for its second and third readings**. Second by
109 Mr. Molnar carried unanimously on a voice vote.

110
111 Ms. Tulley moved, Mr. Bilkie seconded and **motion carried unanimously on a voice vote to adopt and**
112 **post according to law. ORD. NO. 61-2017. ORD. NO 61-2017 declared adopted.**

113
114 **ORD. NO. 62 -2017**
115 AN ORDINANCE DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE
116 A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY
117 BENEFIT SUCH PARCEL, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCEL TO
118 MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC
119 IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE
120 PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS
121 5709.40, 5709.42 AND 5709.43 (Re: Ambassadors Football) was **offered by Ms. Hanneken for its second**
122 **reading by title only**. Second not required.

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128 **ORD. NO. 63 -2017**
129 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF
130 GLENWILLOW, VILLAGE OF OAKWOOD, AND THE CITY OF TWINSBURG RELATIVE TO
131 SERVICES AT THE INTERSECTION OF RICHMOND/BROADWAY/SHEPARD/RAVENNA
132 ROADS was offered by Mr. Bilkie and moved Council waive the requirement that it be read by title on
133 three different days, instructing the Clerk to read it by **title only for its second and third readings.**
134 **Second by Ms. Tulley to suspend rules the failed on voice vote, Ms. Hanneken dissented: Ordinance**
135 **No. 63-2017 therefore to remain at second reading only.**
136

137 Relative to ORD. NO. 63-2017 Mayor Migliorini explained that when the four community intersection
138 was improved several years back only the communities of Oakwood, Glenwillow and Twinsburg
139 participated. Macedonia was asked to participate but made no contribution at that time in part because of
140 lack of funds. So that portion of Shepard Road on Macedonia's side to the west was not improved. The
141 newly proposed project includes more upgrades by installing additional turning lanes on Shepard and
142 Richmond Roads. The City of Twinsburg is taking lead on this project Mayor Migliorini stated.
143 Application for Issue 2 funds are being sought by all four communities, two of which are in Cuyahoga
144 County and two in Summit.
145

146 Councilor Tulley added when Gene Esser was the Summit County engineer he was a starch proponent of
147 roundabouts and had proposed a roundabout at that intersection
148

149 **ORD. NO. 64 -2017**
150 AN ORDINANCE AUTHORIZING THE REESTABLISHMENT OF A REFUSE COLLECTION
151 SUBSIDY FOR SENIOR CITIZENS AND MAKING APPROPRIATION FOR THAT SUBSIDY was
152 offered by Ms. Tulley and moved Council waive the requirement that it be read by title on three different
153 days, instructing the Clerk to read it by **title only for its second and third readings.** Second by Mr.
154 Bilkie carried unanimously on a voice vote.
155

156 Ms. Tulley oved, Mr. Molnar seconded and **motion carried unanimously on a voice vote to adopt and**
157 **post according to law. ORD. NO. 64-2017 and post according to law. ORD. NO 64-2017 declared**
158 **adopted.**
159

160 **ORD. NO. 65 -2017**
161 AN ORDINANCE APPROPRIATING FUNDS AND DAUTHORIZING THE MAYOR TO ENTER
162 INTO AN AGREEMENT WITH VALLEY VIEW PROPERTIES FOR SENIOR GUTTER
163 CLEANING PROGRAM FOR THE FALL, 2017 SEASON was offered by Ms Hanneken and moved
164 Council waive the requirement that it be read by title on three different days, instructing the Clerk to read
165 it by **title only for its second and third readings.** Second by Mr. Molnar carried unanimously on a
166 voice vote.
167

168 Ms. Hanneken moved, Mr. Molnar seconded and **motion carried unanimously on a voice vote to adopt**
169 **and post according to law. ORD. NO. 65-2017 and post according to law. ORD. NO 65-2017**
170 **declared adopted.**
171

172 **ORD. NO. 66-2017**
173 AN ORDINANCE PROVIDING FOR A SENIOR SNOW REMOVAL PROGRAM FOR THE 2017-
174 2018 WINTER SEASON was offered by Mr. Bilkie and moved Council waive the requirement that it be
175 read by title on three different days, instructing the Clerk to read it by **title only for its second and third**
176 **readings.** Second by Ms. Tulley carried unanimously on a voice vote.
177

178 Mr. Bilkie moved, Ms. Tulley seconded and **motion carried unanimously on a voice vote to adopt and**
179 **post according to law. ORD. NO. 66-2017 and post according to law. ORD. NO 66-2017 declared**
180 **adopted.**
181

182 **ORD. NO. 67 -2017]**
183 AN ORDINANCE AMENDING SECTION 1167.03 OF THE CODIFIED ORDINANCES OF THE
184 CITY OF MACEDONIA REGARDING THE HEIGHT OF BUILDINGS LOCATED IN B-2
185 COMMERCIAL SHOPPING DISTRICTS was offered by Mr. Bilkie for its **second reading by title**
186 **only.** Second not required.
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192 **ORD. NO. 68 -2017]**
193 AN ORDINANCE AMENDING SECTION 1167.04 OF THE CODIFIED ORDINANCES OF THE
194 CITY OF MACEDONIA REGARDING THE HEIGHT OF BUILDINGS LOCATED IN B-3
195 GENERAL BUSINESS DISTRICTS was offered by Ms. Tulley for its **second reading by title only.**
196 Second not required.
197
198 **ORD. NO. 69 -2017**
199 AN ORDINANCE AMENDING SECTION 1167.05 OF THE CODIFIED ORDINANCES OF THE
200 CITY OF MACEDONIA REGARDING THE HEIGHT OF BUILDINGS LOCATED IN B-4
201 HIGHWAY BUSINESS DISTRICTS was offered by Ms. Hanneken for its **second reading by title only.**
202 Second not required.
203
204 **ORD. NO. 70-2017[J. Tulley]**
205 AN ORDINANCE AMENDING SECTION 1167.06 OF THE CODIFIED ORDINANCES OF THE
206 CITY OF MACEDONIA REGARDING THE HEIGHT OF BUILDINGS LOCATED IN B-O
207 BUSINESS OFFICE DISTRICTS was offered by Ms. Tulley for its **second reading by title only.**
208 Second not required.
209
210 **RES. NO. 72 -2017**
211 A RESOLUTION CONFIRMING THE APPOINTMENT OF JESSICA BRANDT TO THE CITY OF
212 MACEDONIA CIVIL SERVICE COMMISSION was **offered** by Mr. Molnar and moved Council waive
213 the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only**
214 **for all three readings.** Second by Ms. Hanneken carried unanimously on a voice vote.
215
216 Mr. Molnar moved, Mr. Bilkie seconded and **motion carried unanimously on a voice vote to adopt and**
217 **post according to law. RES. NO. 72-2017. RES. NO 72-2017 declared adopted.**

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219
220 There being no further business, the special meeting adjourned at 6:35pm.
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225

Approved: _____

226
227
228 Mayor: _____ Attest: _____
229 Joseph Migliorini Josephine Arceci, CMC
230

231
232
233 Footnote: Law Director Guidetti advised the following attachment could be entered into to the record.
234 Resident Terry Repak, 8250 Harmon Drive was present at the Special meeting in anticipation of making
235 public comment as is ordinary during regular meetings.

REASONS TO VOTE NO ON 44-2017 7/31/2017

- Transfers decision from BZA to Planning Commission
 - The Planning Commission has a penchant for approving everything that comes before it except residential storage sheds and an occasional sign.
 - The Planning Commission has a limited understanding of our zoning ordinances.
 - The Planning Commission justifies many of their decisions with questionable references.
 - The Planning Commission does not do a thorough review of proposed projects and seems to rely on others as their criteria for action.
 - The Planning Commission rarely asks appropriate questions of proponents.
 - The Planning Commission usually tells proponents what the proponent's needs are and acts on their own notions.
 - The Planning Commission is subject to political pressure without public awareness of that pressure.
 - The Planning Commission requires no independent review and/or approval of their decisions.
- The criteria for additional height/stories is extremely vague and removes specific BZA criteria for variances.
 - BZA has 6 very specific criteria for allowing additional height/story plus they are able to add additional conditions they may deem appropriate.
 - The BZA is able to allow additional height/story.
 - The BZA is currently the only check available to interested parties if they are felt wronged by the Planning Commission.

MY RECOMMENDATIONS

- That any allowance for additional height/story be accomplished via an overlay district, which would allow this change for property that comes under the City's control in the future. This would assure that existing business-zoned areas remain as-is and the option for additional height/story would still be allowed in the future.
- That the wording of the proposed ordinance be revised to allow the additional height only if the same six criteria required of the BZA were considered.
- That an ordinance be introduced and passed that would require a majority vote of Council on any project/sign/etc. approved by the Planning Commission.

Respectfully,



Terry Repak

8250 Harmon Drive
330-908-1854

I would also recommend that the entire Planning Commission, City Engineer and City Planner sit in the Council seating area so that everything spoken by everyone can be heard and understood by those who watch the video of the meetings. Right now, about half of the meetings are lost forever because the Commission likes to mumble a lot. This would also require the proponent to make his presentation through the microphone; this would require the proponent to be prepared. It may also cause the Commission to actually review the plans ahead of time. The current seating arrangement and tape system does not work.