

Record of Proceedings
Regular Council Meeting
September 22, 2016

Presiding Officer, Mayor Joseph Migliorini called the September 22th regular meeting to order at 7:40pm

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

Absent: None

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

MINUTES Mr. Engle moved, Ms. Hanneken seconded and motion carried unanimously on a voice vote to approve the minutes of the special meetings of August 5 & 8, 2016.

FINANCIAL REPORT Ms. Tulley moved, Mr. Engle seconded and motion carried unanimously on a voice vote acknowledging receipt of Financial Report dated August 31, 2016

PUBLIC COMMENT

~**Holly Gulfain, Macedonia resident** expressed dismay that safety forces, police and firefighters may be laid-off in order to have the money to repair Macedonia's roads. Ms. Gulfain said she read this in the NewsLeader, that city officials announced there might be lay-offs due to financial reasons. As a wife and daughter of a police officer Ms. Gulfain feels that funding safety forces is more important than funding roads.

Council President Molnar assured Ms. Gulfain what she read was inaccurate. The NewsLeader misrepresented what was said during the September 15th Townhall.

~**John Leben, Berkshire Drive, expressed** anger over the NewsLeader article and questioned whether the City should if fact demand a retraction.

~**Paula Fowles, Macedonia resident and former member of Macedonia fire department** for 35-years commended Lt. Chip Davis for always saying thank-you when interacting in dispatch calls. Ms. Fowles suggested everyone in the safety forces take a lesson from Lt. Davis.

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

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) was offered by **Mr. Bilkie for its third reading by title only**. Second not required. [Ord. No. 34-2016 had remained on the agenda since 4-28-16; Second Readings: 5-12-16; 5-26-16; 6-9-16; 7-28-16; 8-25-16; 9-8-16]

Mr. Bilkie moved, Ms. Tulley seconded to **adopt ORD. NO. 34-2016** and post same according to law.

Roll call: Ayes: None
Nays: Bilkie*, Engle**, Hanneken, Molnar*** and Tulley****
The motion failed, **ORD. NO. 34-2016 declared failing.**

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Relative to ORD. NO. 34-2016 and during roll call, Councilor Bilkie* stated he respects Mr. Hartt's opinions. Regarding this situation however he supports the residents and their concerns. Councilor Engle** stated tax revenue generated by business is positive and what helps support services but regarding this particular situation he does not believe the proposed rezoning and proposed commercial development is in the best interest of the city nor the immediate neighborhood. Council President Molnar*** stated his mind was made-up in April. Rezoning this area is not in the best interest of the neighborhood. Councilor Tulley**** too expressed her respect for Mr. Hartt's opinions and observations. Ms. Tulley however agrees with the residents that this particular area should not be rezoned and advised Mr. Osborn to focus on the current zoning.

Mayor Migliorini interjected that if the city could start afresh and redraw the zoning map he believes that zoning throughout Macedonia would be very different than it is today. Past members of the Planning Commission and the BZA, as they are today, were and are comprised of residents. At the time the zoning map was created it was done so in good faith by residents confident they were establishing fair zoning and the right zoning in each area. Mayor Migliorini said more consideration should have been given to residential zones particularly those zones abutting commercial, light industrial or industrial areas because development is highly emotional for all the parties. Over fifty years ago Mayor Migliorini explained the entire corner up to Rays Lane was zoned B-1.. The majority residents however petitioned that their properties be rezoned to R-1. But a few residents petitioned that their properties remain B-1. These parcels are located north of the proposed Starbucks. Continuing Mayor Migliorini explained in the early 1990's pursuant to a declaratory judgment the court ordered that parcels located immediately north of Marketplace be zoned B-O. Business Office zoning permits office buildings with 25% retail business the Mayor added. Addressing comments circulating about the proposed Marriott in B-1 zoning by the Girl Scout building and Vista Springs, Mayor Migliorini stated the hotel is a good fit and suitable for the area. The project is high end and important to Macedonia. Residents should be happy that there will be a quality, higher-end hotel in the community. The Marriott will include a conference center which will be another asset for the area. Mayor Migliorini added that in the early years of elected office he was instrumental in the establishing guidelines regulating zoning in the B-1, B-2, B-3 and the B-4 districts.

ORD. NO. 69 – 2016

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HUNTINGTON BANK TO FINANCE THE PURCHASE OF THE FIRE MEDIC UNIT & A TELEPHONE SYSTEM was **offered by Ms. Tulley for its third reading by title only**. Second not required.

Ms. Tulley moved, Mr. Molnar seconded and motion carried unanimously on a voice vote to **amend Section 1 of ORD. NO. 69-2016, by adding the phrase, “..., or an agreement substantially similar to the same.”**

Ms. Tulley moved, Mr. Bilkie seconded and **motion carried unanimously on a voice vote to adopt ORD. NO. 69-2016 as amended** and post the same according to law. **ORD. NO. 69-2016 declared adopted as amended.**

Relative to ORD. NO. 69-2016, Finance Director Hall explained that the interest on financing \$308,263.80 with Huntington Bank for five-years is 2.25%. The first loan payment is due April 1, 2017.

ORD. NO. 74 -2016

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AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE SUMMIT COUNTY PUBLIC DEFENDER'S COMMISSION FOR THE REPRESENTATION OF INDIGENT PERSONS CHARGED WITH VIOLATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA 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 Ms. Tulley and motion authorizing the same carried unanimously on a voice vote.**

Mr. Molnar moved, Ms. Hanneken seconded and **motion carried unanimously on a voice vote to adopt ORD. NO. 74-2016** and post the same according to law. **ORD. NO. 74-2016 declared adopted.**

RES. NO. 75 -2016

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICE was **offered by Ms. Tulley for its first reading by title only** Second not required.

RES. NO. 76- 2016[J. Tulley]

A RESOLUTION AUTHORIZING THE ADVANCE OF LOCAL TAXES BY SUMMIT COUNTY FISCAL OFFICE TO CITY OF MACEDONIA FOR 2016 TAX YEAR PAYABLE IN 2017 was **offered by Ms. Tulley for its first reading by title only** Second not required.

MOTIONS/ OTHER LEGISLATIVE ACTION

~Mr. Molnar moved, Ms. Hanneken seconded and motion carried unanimously on a voice vote authorizing the Police Chief to accept on behalf of the City of Macedonia Police Department a donation from Best Buy, Macedonia of 3 iPhones 6 Plus' at a total value of Two Thousand, Nine Hundred Ninety ~Nine Dollars and Ninety Seven Cents (\$2,999.97)

~Mr. Molnar moved, Ms. Tulley seconded and motion carried unanimously on a voice vote authorizing Josephine Arceci and Diana Augustine as attendees/designees to free Auditor of State Certified Public Records Training on October 21, 2016 on behalf of Council members Engle, Nick Molnar and Tulley and Mayor Migliorini.

CORRESPONDENCE: None

MAYOR'S REPORT

- Mayor Migliorini stated that NewsLeader this week misrepresented information provided during the September 15th Townhall as well as to quote an individual making erroneous statements. One quote stated the City is spending money to build dugouts but not spending it to repair roads. Money funding the construction of the dugouts Mayor Migliorini explained is coming from revenue generated from the Windmill Golf Center in Longwood Park. A stipulation of the agreement between the golf center and the City is money generated from the center must be used within the parks. The money cannot be used for any other purpose but future improvements within the park like for the walking trails and for improving the baseball and the soccer fields. The park is 300-acres and costly to maintain and thus the reason for this specifically earmarked revenue Mayor Migliorini stated.

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Another misguided statement was the City is overspending, that administrative operating costs have increased which is an untrue. Mayor Migliorini explained that when he was first elected to the position of mayor in 1988 there were 14 administrative employees. Today there are still that same numbers of employees with the exception of a full-time IT director. The departments of police and fire however have increased. But to that end fire and dispatch services has been locally regionalized and the cost of this regionalization is being born by the communities for which Macedonia is providing coverage. It is too bad Mayor Migliorini continued that these negative and disparaging commentaries continue because so much more could be accomplished if everyone had their oars in the water at the same time. The need to fund repairing Macedonia's deteriorated roads is a serious and real matter as is the need to continue funding the operation and growth of the Macedonia Family Recreation Center. Good, safe roads and the Recreation Center respectively reflect the appearance and quality of life for all Macedonia residents. Issue 18, the ¼% income tax increase for the purpose of repairing Macedonia roads over a ten-year period will provide a good start to an on-going issue. Issue 19, continuing the ¼% income tax for the operation and for future growth of the Recreation Center over the next 20-years ensures an area for indoor recreation for years to come. The tax increase relative to each will effect on a portion of Macedonia's residents Mayor Migliorini stated. The alternative to that is increasing Macedonia's property tax affects all residents.

COMMITTEE REPORTS

Parks & Recreation Committee Mr. Bilkie announced there will be a Commission meeting at the Recreation Center on October 5, at 6:30pm. Regarding Issue 18 & 19, Councilor Bilkie reminded the public that the revenue from each is earmarked respectively. The revenue cannot be used for anything other than what has been specifically stated. Mr. Bilkie reminded residents that this revenue is going back into the community i.e., for roads and recreation ensuring Macedonia success as a community where everyone is proud to live.

Streets and Highway Committee Mr. Molnar announced the S&H meeting held on September 15th was followed by a Townhall session. The highlight of both gatherings pertained to Issue 18, the road levy, increasing the income tax rate by ¼% for ten-years in order to generate revenue to repair Macedonia's roads. Mr. Molnar reminded the public that the tax is not permanent; it is earmarked solely for improving road infrastructure and that the tax is paid on earned income only. Revenue from pensions and social security is not taxed. Annual earnings of \$50,000 will generate \$125.00 Mr. Molnar added. Mr. Molnar explained Macedonia's tax credit would remain the same, at 100%. Mr. Molnar mentioned that over 80% of revenue generated from income tax comes from non-residents. Macedonia remains an attractive location for businesses and for employees because of its proximity to the several highways: the turnpike, 1271, 1480 and I77.

Councilor Bilkie interjected crack sealing would become a more integral part of road program after Issue 18 passes because sealing improves the life of the road.

Northfield Macedonia Cemetery Ms. Tulley announced the Board is meeting October 6 at the Cemetery Chapel to discuss costly future capital expenditures like repairing or replacing the wrought-iron fence that encompasses the cemetery.

Finance Committee Ms. Tulley announced a "State of the City" is being held September 27 at 6pm relative to current revenue and expenses. There is no preset agenda. Department heads are asked to attend for questions relative to their respective departments. The 2017 budget is not being prepared in

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consideration of certain unknowns; the election and the costs associated with collective bargaining and the health care coverage Ms. Tulley stated. Ms. Hall will be preparing a temporary budget to first quarter expenses in the New Year Ms. Tulley stated.

Longwood Manor Historical Society John Cassmer, president of the LMHS reported that the treasury has a balance of \$4075.00, that there are several new members including John Leben who is loaning his table saw, and that the water has been turn-on, at least the cold tap. Mr. Cassmer also reported Jackson Heating is donating a used furnace, including installation as well as future maintenance. Mr. Cassmer mentioned that has been issue with volunteers required to sign a waiver each time they enter the Manor House which he is hopeful Mayor Migliorini will get resolved.

Law Director Guidetti interjected waivers are not required every time there is entry. A one-time waiver is all that is required. Verbal notice to the City on the day of entry is sufficient he explained. The City must be made aware when there is activity or there are persons in the Manor House in order to protect the City as well as to protect visitors and volunteers Mr. Guidetti added.

Mayor Migliorini also interjected that security if being added to the building.

DEPARTMENT REPORTS

Service Department Director Hnottavange reported that depending on Mother Nature the leaf collection program will begin that last week of October. This a good time while the weather is still warm Mr. Hnottavange stated for residents to secure their mail and paper boxes for winter. Relative to the street lighting initiative the service department has undertaken Mr. Hnottavange reported that 27 fixtures have been repaired ith approximately 30 more to be done. Mr. Hnottavange also reported that 41 hazardous trees have been removed this year. Four more trees are slated for removal within the next couple of weeks. Sixty-six trees still have to be removed and about 300 stumps to be ground. Crews have redefined 3,786ft of ditch, stabilized 3,329ft of roadside, repaired 6 culverts and 8 catch basins. Mr. Hnottavange added this has all been done with just 13 full-time and 6 part-time employees. These employees are responsible for many duties including taking care of 300 acres of park, mechanically repairing Macedonia's crippling fleet, making street sign repairs and installations and performing roadside mowing and trimming of all city owned properties. Factoring out those full-time employees who have specific jobs, Mr. Hnottavange explained there are only 8 employees who provide the majority of the services that are provided on a daily basis. Mr. Hnottavange added that in year's passed he was one of 22 part-time employees. There were 19 full-timers at the time.

Building Commissioner Mr. Rodic was not present.

Engineer Mr. Gigliotti reported that both of ODOT's major road projects are nearly completed. Paving relative to both is the final step which will begin shortly. Paving will be done during evening hours Mr. Gigliotti added.

Councilor Hanneken asked Mr. Gigliotti whether the concerns expressed by several Route 82 residents regarding final restoration of their properties has been resolved to which Mr. Gigliotti responded that city officials and contractor have spoken with each resident. There is a punch list of items that will be completed before the project is signed-off Mr. Gigliotti added.

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Mayor Migliorini interjected the City has been proactive regarding each of the resident's concerns. The Mayor agreed the cut-through in the driveways for the gas lines was totally unacceptable. The aprons were re-poured beyond the original point for that reason.

Councilor Tulley asked Mr. Gigliotti to explain the forthcoming I271 construction project at the Cuyahoga County line to which he answered ODOT is adding more lanes as well as reconfiguring the merger lanes from I480 to improve highway capacity. This project is estimated to take 3-years.

Chief Golden interjected it's a large, complex project culminating into five full lanes. Chief Golden added included in this massive project is extensive work being done to the I480 Bridge over N. Bedford Road.

Recreation Department Ms. Manley reported the Recreation Center pool was closed for a week for annual cleaning, maintenance and repairs. Ms. Manley informed residents that factual information about Issue 19 will be forthcoming due to negative, incorrect misinformation that is being disseminated in the community.

Finance Department Ms. Hall reported that income tax revenue for month of September was \$597,723.00, an increase of \$161,982 from the same time last year of \$431,741. While the month increased, year to date revenue is down by \$152,850 she added. Ms. Hall explained that if the levies pass the only retirees who would be affected, that is, who would be required to pay that tax increase are those who receive W2's or scheduled income. Income from social security or pension is not taxed. Ms. Hall reiterated that revenue generated from the Windmill Lake Golf Center is applied to a special revenue parks and recreation fund to be used only purposes related to parks and recreation. The revenue cannot be applied to roads as quoted in a recent NewsLeader article. It was also stated in this article that the administration is spending \$1.5 million dollars more in operating expenses that was spent in 2015. This information is terribly misleading Ms. Hall stated. Ms. Hall explained operations include four funds. But the comments being made are based on only bits and pieces from the various funds. Continuing, Ms. Hall stated that prior to transfers the General Fund budget from last year compared to this year increased by \$800,916. This included salaries and wages and operations. The amount becomes a negative dollar amount because transfers decreased this year compared to last. This then equates to just an 8.4% increase which had been budgeted. This does not mean this money has been spent, it only means it was budgeted for Ms. Hall added.

Mayor Migliorini interjected that the Summit County Budget Commission has certified Macedonia's valuation and based on the information property owners pay the City only 8.90 cents for every real estate tax dollar. The cost of providing each homeowner services such as police, fire, emergency services, snow removal and street lightening is about \$2900 per household Mayor Migliorini stated. That is why income tax revenue from profits and payroll is so important. This is the revenue that provides for and supports city services, not the revenue from property tax, which Mayor Migliorini added has not been increased in Macedonia since the 1960's.

Ms. Hall added that she had a copy of a tax bill for a home valued at \$189,000, the median value of a Macedonia home, and accordingly the City receives \$145.81 per half in real estate tax dollars or \$291.62 per year. This a fractional amount of this property owner's total real estate tax bill of \$3,625.00 Ms. Hall stated. The remaining bill is allocated to the Nordonia Hills school system receiving over \$2100 per year and to the Akron Zoo, Akron Library, Children Services, Mental Health Board and the Metro Parks

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Fire Department Chief Black reported the Sagamore fire station, Substation 2 became operational September 14th. The Chief stated that the move into Substation 1 in Northfield Center is on hold because of vandalism to the station. Summit County detectives are aggressively investigating the situation in part Chief Black stated because the Summit County Sheriff's department was moving their headquarters from the Northfield Center Township building into the fire station this week too. Needless to say Chief Black added, the sheriff department was not happy about the destruction to the building, furniture, mattresses and equipment.

Police Department Chief Golden thanked Ms. Fowles for her kind words about Macedonia's dispatchers. Chief Golden described dispatchers as unsung heroes who never receive the credit they are due. The Chief explained that Macedonia dispatchers cover three police agencies and four fire agencies. In addition to the high call volume dispatchers handle they also perform clerical duties and jail matron duties. Chief Golden advised of forthcoming traffic delays due to the massive I271 project at the Cuyahoga County line. Chief Golden expressed concern about lengthy vehicle back-up that occurred recently on the northbound on-ramp which he will be looking so it does not happen again.

Law Department Mr. Guidetti reported that the 8th District Court of Appeals recent ruling relative the State et al vs. Huffman the City of Parma sanitary sewer political subdivision immunity case dealt with two issues; whether the City of Parma was entitled to the case being thrown out just on its face in part because the appeals court said there were too many facts at issue. The other issue was whether the claimant was properly classified as a class action lawsuit. Court said it was not so it was remanded. Therefore there will probably be numerous lawsuits that result.

Unfinished business Councilor Tulley brought to resident John Leben's attention that the American Flag at the dais was repaired and restored to its proper position of height in relation to the state flags also at the dais. Ms. Tulley reminded residents that Issue 18 also encompasses storm water. NEORSD will not be providing services for Macedonia's large projects. A recent Plain Dealer article detailed all NEORSD's major projects, most of which will cost over a million dollars and all of which are in located in Cuyahoga County. Not one project is in Summit Ms. Tulley stated. Macedonia will be receiving a portion of NEORSD's storm water fee called the community share. But before Macedonia can proceed with any local project, before it receives the community share NEORSD must first approve the project Ms. Tulley added.

New business Councilor Hanneken thanked the residents of the Waters subdivision for expressing their disdain for the proposed rezoning professionally and articulately. How the residents approached the matter is a tribute to how democracy should work Ms. Hanneken stated. Ms. Hanneken is happy with the outcome, she said, how it transpired because there are other zoning issues within the community which in her opinion will have the same negative impact. Regarding the tax levies, Issues 18 and 19 Ms. Hanneken said she will be providing a written alternate perspective about each.

There being no other business the regular meeting of Council was adjourned at 9:07pm.