

Record of Proceedings  
Regular Council Meeting  
September 8, 2016

Presiding Officer, Mayor Joseph Migliorini called the September 8<sup>th</sup> regular meeting to order at 7:30pm

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

**Absent:** Council Clerk Josephine Arceci

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

**PUBLIC COMMENT**

~ **John Leben**, Macedonia resident questioned why the term of the proposed roads & storm water tax levy is so long, 10-years when his opinion the term should be for less years. Regardless, Mr. Leben added he will not be supporting the increase. Mr. Leben questioned too the appropriateness of the heights of the flags flanking the dais.

Mayor Migliorini reminded Mr. Leben that though the levy is for 10-years it is earmarked in total for roads, storm infrastructure and therefore cannot be used to fund any other city expenditure. Mayor Migliorini explained that unlike years past the burden of maintaining local roads is now falling upon the shoulders of the taxpayer. There is no longer outside financial support like local government tax sharing which Macedonia had relied upon to fund various projects. Those funds have dwindled considerably over the years and federal and state money is not available for residential/side streets. This means Mayor Migliorini said there is no other way to fund repairs of Macedonia's residential infrastructure but through an earmarked revenue stream, like the tax levy. What really needs to be accomplished is \$20 million dollars worth of roads work Mayor Migliorini stated. The 10-year period is truly not enough time to make all the improvements that need to be done. But it is however a start which Mayor Migliorini encouraged residents to support.

**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; 7-28-16; 8-25-16]**

**Relative to ORD. NO. 34-2016, Mr. Bilkie reminded residents a second public hearing has been set for September 22<sup>nd</sup> at 6:45pm**

**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 Ms. Tulley for its **third reading by title only**. Second not required.

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Mr. Molnar moved, Ms. Tulley seconded and **motion carried unanimously on a voice vote\*** to amend **ORD. NO. 55-2016 as follows: General Fund 101, Fire Department Personnel Services in the amount of \$1,983,455.00 and Other Expenditures in the amount of \$340,085.00 for a total of \$2,323, 540.00, the genesis for which is the fire and emergency services agreement with Sagamore Hills Township.**

Prior to roll call on Mr. Molnar's motion to amend Ordinance No. 55-2016 Ms. Hanneken\* questioned Finance Director Hall why more funds were being added to the Mayor's office and the departments of finance and law and why is there a decrease in the building department to which Ms. Hall answered there were outstanding expenses relative to the previous IT consultant in the Mayor's office and finance. In fact there were increases relative to outstanding IT expenses in all departments Ms. Hall added. The additional expenses in finance Ms. Hall continued are attributable to the pay-out of vacation and sick-time to the former finance director. Law expenses increased due to additional legal work and building decreased because the budget was for a full-time building commissioner.

Ms. Tulley moved, Mr. Molnar seconded and **motion carried unanimously on a voice vote to adopt ORD. NO. 55-2016, as amended** and post same according to law. **ORD. NO. 55-2016 declared adopted as amended.**

**ORD. NO. 69 – 2016**

**Ms. Tulley moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote for ORD.NO. 69-2016: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HUNTINGTON BANK TO FINANCE THE PURCHASE OF THE FIRE MEDICAK UNIT & A TELEPHONE SYSTEM to remain at its second reading.**

**ORD. NO. 70 – 2016: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTHFIELD CENTER TOWNSHIP, OHIO TO PROVIDE EMERGENCY FIRE AND MEDICAL SERVICES TO THE TOWNSHIP 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 its second and third readings. Second by Ms. Tulley and motion authorizing the same carried unanimously on a voice vote.**

Mr. Molnar moved, Ms. Tulley seconded and motion carried unanimously on a voice vote to **amend ORD. NO. 70-2016 as to confirm with the version of the Fire and Emergency Services Agreement distributed to Council on September 6, 2016.**

Mr. Molnar moved, Ms. Tulley seconded and motion carried **unanimously on a voice vote 8 to adopt ORD. NO. 70-2016 as amended** and post same according to law. **ORD. NO. 70-2016 declared adopted as amended.**

Relative to ORD. NO. 70-2016 and prior to adoption Ms. Hanneken\* questioned the dollar amount of \$375,000 in the Agreement to which Chief Black answered it is the cost of three new full-time firefighters and part-time firefighters. Chief Black explained that Northfield Center Substation 2, will be staffed 24/7 with combination of full-time and part-time firefighters. Chief Black added that Sagamore Substation 1 and the Macedonia station are staffed in the same manner. And that the appointments and staffing of

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firefighters is the sole responsibility of Macedonia. The townships of Northfield Center and Sagamore Hills however are totally responsible for providing and maintaining its own equipment and infrastructure. The agreements for the two townships are similar Chief Black added.

**ORD. NO. 71 – 2016**

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF MAXWELL BACHER TO THE POSITION OF FULL-TIME POLICE OFFICER 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 only for all three readings. Second by Mr. Molnar and motion authorizing the same carried unanimously on a voice vote.**

Mr. Bilkie moved, Mr. Molnar seconded and motion carried **unanimously on a voice vote to adopt ORD. NO. 71-2016 as amended** and post same according to law. **ORD. NO. 71-2016 declared adopted as amended.**

**ORD. NO. 72 – 2016**

AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 17-2016 FOR ADDITIONAL EXPENDITURES FOR THE PERIOD JANUARY 1, 2016 TO DECEMBER 31-2016 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 only for all three readings. Second by Mr. Molnar and motion authorizing the same carried unanimously on a voice vote.**

Mr. Molnar moved, Ms. Tulley seconded and motion **carried unanimously on a voice vote to amend ORD. NO. 72-2016, Section 1 by adding the following terminology to the paragraph: “.... and/or property owner.”**

Ms. Tulley moved, Mr. Engle seconded and motion carried unanimously on a voice vote to **adopt ORD. NO. 72-2016 as amended** and post same according to law. **ORD. NO. 72-2016 declared adopted as amended.**

Relative to ORD. NO. 72-2016, Mayor Migliorini explained that the funds are revenue neutral. That is, ODOT will reimburse the City in the amount of \$101,975.00 the amount being paid the property owner for right-of-way acquisition relative to the relocation of the I271 northbound on-ramp.

**RES. NO. 73 – 2016**

A RESOLUTION CLARIFYING THE CITY’S INTENT REGARDING CITY OF MACEDONIA ORDINANCE NO. 60-2016 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 on majority voice vote; Ms. Hanneken dissenting.**

Mr. Molnar moved, Mr. Bilkie seconded to **adopt RES. NO. 73-2016** as presented to Council for adoption.

Roll call: Ayes: Bilkie, Molnar\*\* and Tulley\*\*\*  
Nays: Hanneken and Engle\*

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The motion carried. **RES. NO. 73-2016 declared adopted.**

Relative to RES. NO. 73-2016 and prior to roll, Law Director Guidetti explained that Board Election officials requested clarification regarding the three ordinances, Ord. Nos. 58, 59 & 60-2016 Macedonia presented to the Board of Elections. The City's intent Mr. Guidetti said has only been that two issues would appear on the ballot. The BOE however held the opinion that since three ordinances had been presented to the election board than three issues should appear on the ballot. The Board did not recognize that the intent of third ordinance, Ordinance No 60-2016 was to clarify language for the City's codifier in the eventually one or both levies passed. The importance of Ordinance No. 60-2016 is that it provides an explanation of the allocation of the tax rate under the three different scenarios; both levies pass, just the road levy passes or if just the recreation levy passes. Mr. Guidetti said once he personally met with legal counsel for the BOE and members of the BOE board everyone understood the City's intent but asked for supporting documentation by way of resolution.

At roll call Councilor Engle\* said because he did not support placing either tax issue on the ballot he is not supporting this resolution.

Council President Molnar\*\* thanked Law Director Guidetti for creating language to clear this matter with the Board of Elections. Council Molnar chastised a recent Beacon Journal article in which he said incorrect statements were made over what truly had transpired

Council Tulley\*\*\* stated before voting that just two questions were intended for the ballot, one for roads and storm water and the other for parks and recreation. There was a third ordinance that was introduced (Ord. No. 61-2016) with the intent to replace both questions but it failed. While this ordinance combined the two questions under a single tax increase it was sorely inadequate towards park and recreation. Residents now have the opportunity to determine for themselves what is important to them, what they are willing to pay for; roads and storm water or parks and recreation or both.

Councilor Hanneken went to make a statement after her roll call vote. Presiding Officer Mayor Migliorini however informed Ms. Hanneken she missed her time to do so.

### **MOTIONS/ OTHER LEGISLATIVE ACTION**

~Mr. Bilkie moved, Mr. Molnar seconded and motion carried unanimously on a voice vote authorizing the Mayor to accept on behalf of the City of Macedonia's police and fire departments a donation of Fifty Dollars (\$50.00) from the Summit Highlands Homeowner's Association

~ Ms. Tulley moved, Mr. Bilkie seconded and motion carried unanimously on a voice vote authorizing the Mayor to accept on behalf of the City of Macedonia a donation from Home Depot, Macedonia Commons of seven (7) picnic tables valued at Six Hundred Ninety-Nine Dollars and Ninety Three Cents (\$699.93) for use at Macedonia's parks.

**CORRESPONDENCE:** None

### **MAYOR'S REPORT**

- Mayor reported Mayor's Court receipts for August were \$38,281.20.
- Mayor reminded residents to vote on November 8<sup>th</sup>. Each tax issue needs consideration in order for the City to proactively make repairs to Macedonia's deteriorating infrastructure. Macedonia's residents have never wholly had this level of responsibility Mayor Migliorini state. Macedonia's

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property tax has not increased since the 1960's. The City's property tax rate is one of the lowest in Summit County. The lion's share of the property tax dollar, over 70% goes to the Nordonia Hills school system Mayor Migliorini stated. The Mayor mentioned the City no longer receives tangible tax, inheritance tax or local government revenue sharing. Profit and payroll tax is the fuel for the City but that is not enough. Macedonia has never had a specifically earmarked revenue stream for infrastructure but it is time that it does.

- Mayor reported that revenue from Windmill Golf Center is funding improvements in the parks like the new dug-outs at the baseball fields and improvements to the walking trails.
- Mayor Migliorini reported that the \$30,000 used for improvements for administrative offices was well spent because the offices had not been renovated in 20-years and they are the first impression for those who want to do business in Macedonia.
- Mayor Migliorini reported that the house at 883 Iroquois Run the City purchased last year is costing \$58,000 to demolish and create a retention basin. The source of funding for the project is from the Community Share of NEORS D storm water fee revenue.

### **COMMITTEE REPORTS**

**Parks & Recreation Committee** Mr. Bilkie announced that the Commission met and created an exciting plan towards the maintenance and improvements of the Recreation Center as well as the parks. The vision for improvements is well-rounded and thoughtful. The plan takes every age group into consideration regarding every aspect of programming recreation whether indoors and/or out.

**Streets and Highway Committee** Mr. Molnar announced that there is a committee meeting September 15 at 6:30pm followed thereafter by a Townhall session for the public at 7:30pm. The reason for the Townhall is to provide factual information by the City's finance director, engineer and law director regarding Macedonia's road crisis and need for a specific funding mechanism.

**Finance Committee** Ms. Tulley announced a meeting of the Committee of the Whole is being held September 27 at 6pm in preparation in part of the 2017 budget.

### **DEPARTMENT REPORTS**

**Service Department** Director Hnottavange reported that that 3 of the 8 baseball dug-outs have been completed. Mr. Hnottavange reported that service has begun in-house repairs of the City's street lights. Lights are being upgraded with LED bulbs and photo cells.

Councilor Hanneken questioned on behalf of a resident where the recycling bins have gone to which Mr. Hnottavange responded that the bins were moved to the area of the soccer fields. Making an inquiry on behalf of another resident Ms. Hanneken asked why a large area of trees were removed in Sugarbush Park to which he answered they were removed for new playground equipment. Ms. Hanneken mentioned the resident who contracted her is complaining that she can now see and hear activity in the park late into the evening. Ms. Hanneken wondered if the City has any intent of installing a tree buffer for the residential properties abutting the park to which he answered there are no plans. In addition to trees being unsafe around the playground, this area abuts the utility easement running between the park and residential properties and the utility company prohibits any plantings Mr. Hnottavange added.

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

**Engineer** Mr. Gigliotti reported that ODOT has responded to gap in fencing relative that sound wall at 10041 Valley View Road. There were actually two gaps Mr. Gigliotti stated, one of which ODOT made immediate permanent repair. The other was fixed temporarily but will be permanently repaired upon completion of the I271 project.

Councilor Hanneken asked if I271 lightening has been redirected from Summer Road residences to which Mr. Gigliotti answered that it has not but remains on ODOT's agenda. Mr. Gigliotti added that the complaint of unsatisfactory levels of sound still emanating from I271 will also be addressed by ODOT with the installation of another sound wall at some future date. Ms. Hanneken questioned Mr. Gigliotti if the scope of the project at 882 Iroquois Run for which NEORS accepted and approved at a cost of about \$59,000 includes \$8,000 in engineering fees to CVS Engineering to which Mr. Gigliotti answered that it does.

**Recreation Department** Ms. Manley reported that only the pool area of the Recreation Center will be closed the entire week of September 12<sup>th</sup> for annual cleaning, maintenance and repairs in accordance with program policy and state mandates.

**Finance Department** Ms. Hall reported that in the opinion of R.I.T.A officials lower than expected receipts thus far this year is due to a timing issue created by HB 5. The due date/filing date for estimated taxes was accelerated to June 15 from July 31, which may be the cause Ms. Hall stated. She reported receipts for September are \$511,000, \$79,000 higher that the same time last year. The difference however does not cover the overall short-fall she added. This year's receipts were estimated to be \$11,174,000.00. Through August receipts were \$7,963,875.00. Other source of income, about \$330,000 is coming from Sagamore Hills and Northfield Center for fire and emergency services. Ms. Hall estimates revenue receipts for the remaining part of the year to be about \$3,210,000.00. Continuing Ms. Hall stated expenditures were estimated to be \$11,877,000 and to date they've been \$7,008,000.00. Payments not yet accounted for she added include \$658,000 for debt payments, \$550,000 for potential transfers, \$2.6 million for salaries and benefits, \$330,000 for contractual fire and emergency services and potential transfers based on budget of about \$1million. Ms. Hall estimates that the year-end unencumbered carry-over balance to be \$732,596.00. For purpose of clarity Ms. Hall added that income from social security benefits are not taxed locally. Local taxes are not paid by retirees Ms. Hall explained further unless retirees receive W-2's or they receive other scheduled income.

Ms. Hanneken interjected whether an individual is taxed is not age dependent but source of income dependent.

**Fire Department** Chief Black reported that the Sagamore fire station, Substation 2 is on course with regards to renovations and will be opened for operation September 15<sup>th</sup>.

**Police Department** Chief Golden thanked the Mayor and Council for the appointment of Officer Bacher. Another appointment will be forthcoming.

**Law Department** Mr. Guidetti had no report.

**Unfinished business** None.

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**New business** Councilor Hanneken commented that NEORS D seemed to be responsive regarding the Iroquois Run demolish and retention basin project noting that approval was granted August 9 from date of application on July 12<sup>th</sup>. Councilor Hanneken expressed disappointment however that Council was unaware that application was made for this project. Council should have been included in this discussion and Council should be included in discussions regarding the future use of NEORS D funds. It is Ms. Hanneken's opinion that Council should be part of determining priorities with how these dollars should be spent. Ms. Hanneken feels too that the manner in which this project was handled was neither opened nor transparent. Ms. Hanneken said she only became aware of the project application because of a public records request she had made. Regarding the Beacon Journal article by Doug Livingston, Ms. Hanneken opined that the article was fair and an accurate account of the confusion surrounding the tax levies on the November ballot. These issues were rushed through special meetings without thorough understanding Ms. Hanneken opined. Regarding the forthcoming Townhall on September 15<sup>th</sup>, Ms. Hanneken said she is willing to provide an alternative perspective to the tax levies if given that opportunity.

Councilor Bilkie told Ms. Hanneken he takes offense to her comment that the levy ordinances were rushed through in that he had worked with the law director to create language that was accurate. The confusion was the Board of Elections. And to clarify their confusion they asked for clarity which was dealt with this evening.

There being no other business the regular meeting of Council was adjourned at 8:35pm.