

Record of Proceedings
Regular Council Meeting
September 24, 2015

1 Presiding Officer, Mayor Donald Kuchta called the September 24 regular meeting to order at 7:30pm.

2
3 **Present:** Council members' Rita Darrow, David Engle, Sylvia Hanneken, Nicholas Molnar and
4 Janet Tulley; Council Clerk Josephine Arceci and Assistant Law Director Mark V.
5 Guidetti.

6 **Absent:**

7
8 **PLEDGE OF ALLEGIANCE** was led by Council President Darrow

9
10 **INVOCATION** was led by Macedonia resident Terri Hudak

11
12 **MINUTES** Ms. Tulley moved, Mr. Molnar seconded to approve minutes of regular meeting of August
13 27th and public hearing of September 10th. Ms. Darrow moved, Mr. Engle seconded to amend Line 508 of
14 August 27th meeting by replacing word “foreign” with “homeowner”.

15
16 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
17 Nays: None.
18 Abstention: Tulley (relative only to August 27 meeting)
19 The motion passed.
20

21 **FINANCIAL REPORT** Ms. Hanneken moved, Ms. Darrow seconded, acknowledging receipt of the
22 Financial Report dated August 31, 2015.

23
24 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
25 Nays: None.
26 The motion passed.
27

28 **PROCLAMATION** October 4, 2015 National Fallen Firefighting Memorial Service Day

29
30 **PUBLIC COMMENTS**

31
32 Chuck Loparo of Bradford Lane, identifying himself as the “Watchdog” stated Ms. Hanneken’s campaign
33 signs are in violation of Macedonia’s sign ordinance which require that a disclaimer with name and
34 telephone number appear on every political sign which is absent on Ms. Hanneken’s signs.

35
36 Councilor Hanneken responded her signs is currently being remedied; the signs are being updated to
37 conform to Macedonia’s political sign ordinance. Ms. Hanneken added that the Ohio Revised Code, with
38 which she had referred, does not require that information.

39
40 Regarding another topic resident Kevin Bilkie of 7995 Brook Circle and candidate for Macedonia City
41 Council stated during the August 27th Council meeting, Council President Darrow challenged the
42 authenticity of the conversations Mr. Bilkie had with Macedonia’s department heads and employees
43 which he posted on his website “BilkieforCouncil.com”. These conversations Mr. Bilkie stated were
44 100% accurate and encouraged residents themselves to talk to Macedonia’s department heads and
45 employees to learn what he has learned. The two major issues crippling Macedonia Mr. Bilkie continued
46 are the lack of support regarding the termination of Scott Svab as finance director and the method of
47 funding the law department. Mr. Bilkie questioned the reasoning of certain members of Council for not
48 approving the appointment of service department foreman John Hnottavange to the position service
49 director. Mr. Bilkie opined Mr. Hnottavange is a strong candidate who deserves consideration. Mr.
50 Bilkie expressed disappointment that Torrey Blackburn, resident and business owner was not granted the
51 MOP agreement Mr. Blackburn had originally requested. Mr. Bilkie suggested residents contact Mr.
52 Blackburn to learn from him how he was treated by Misses Darrow and Ms. Hanneken. Mr. Bilkie
53 complained about being denied an appointment to the Audit Committee by a three two vote and more
54 recently the denial of the appointment of Joe Migliorini to the Planning Commission by the same block of
55 votes. These actions Mr. Bilkie opined reflect the dysfunctional nature of this Council. Mr. Bilkie added
56 his candidacy to the position of Council is supported and endorsed by Councilors Molnar and Tulley, by
57 Mayor Kuchta, by mayoral candidate and former Mayor Joe Migliorini, by Jim DeGaetano who served in
58 Macedonia’s service department for many years, by Building Commissioner Mike Hlad and by Planning

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59 Commission member Kevin Westbrook who with Mr. Bilkie is a member of the Future Growth
60 Committee.

61
62 Regarding other matters, resident Vini Ventura of 1479 Bruce Road asked council members to come
63 together to accomplish before the year's end. Mr. Ventura expressed appreciation for the resurfacing of
64 some of the roads within his the subdivision. He is disappointed however with how the some of the roads
65 were mark, more aptly stated were not marked. The markings on the newly resurfaced areas are visibly
66 bright but the edge line on the streets not resurfaced is nonexistent. Mr. Ventura complained too about
67 numerous semi trucks and RV/motor homes parked overnight in the parking lot of Wal-Mart and in lots in
68 other parts of Macedonia Commons. Ventura questioned why the City is not prohibiting these overnight
69 stops. Why there are no signs posted he questioned? Why is there no enforcement?

70
71 Mayor Kuchta informed Mr. Ventura regarding the street markings that all streets will be marked. It was
72 an oversight that they were not. The Mayor also informed Mr. Ventura that nationwide Wal-Mart has a
73 policy encouraging and allowing truckers and recreational travelers the use of Wal-Mart parking lots as
74 rest areas, for overnight stays.

75
76 Mr. Ventura suggested then that the City enforce these vehicles to park behind the buildings.

77
78 Councilor Hanneken agreed with Mr. Ventura and other residents who have complained about the same to
79 her.

80
81 Chief Golden interjected that truckers bounce from one part of Macedonia Commons to the other
82 attempting to avoid signage. Wal-Mart, as the Mayor stated has a policy, which is difficult to circumvent.
83 The Chief said he continues to work with the property owners, Developer Diversified being the major
84 owner to get correct signage posted in appropriate locations.

85
86 Pertaining to different topics, resident Dan Havlicek of Shepard Road read aloud a quote about politics
87 from a magazine entitled "American Legion". Mr. Havlicek thanked Mayor Kuchta for living full-time in
88 Macedonia. Mr. Havlicek questioned how mayoral candidate Migliorini expects to do the same while
89 having a home in Florida. Regarding Macedonia's senior citizens, Mr. Havlicek said he resents that they
90 are given free snowplowing, garbage removal and gutter cleaning. Mr. Havlicek's grandparents who
91 lived on a meager pension in Macedonia from 1958 to 1987 received no such benefits. Mr. Havlicek's
92 parents, 45-year residents of Macedonia did not receive these benefits either. While Mr. Havlicek agrees
93 with charity he does not agree with the City giving away these three services. Residents who can no
94 longer afford to live in their homes Mr. Havlicek opined should make other arrangements.

95
96 Another resident, Roy Metzel of Smokerise Drive stated twenty-five percent of Macedonia's population is
97 comprised of senior citizens. And any responsible community takes care of its seniors. Mr. Metzel
98 commended mayoral candidate Joe Migliorini for his role in Macedonia's growth. Mr. Metzel added he
99 has not always agreed with Mr. Migliorini particularly in regards to the full golf course proposed for both
100 sides of Longwood. Mr. Metzel opined however that Mr. Migliorini is his choice for mayor. Mr. Metzel
101 would like Council to work more cooperatively an example of which would be paying Mr. Diemert.
102 Lastly, Mr. Metzel mentioned Longwood Park, the largest municipal park in Ohio, is a gem in his opinion
103 which should given more consideration.

104
105 Relative to another topic, resident Jorge Pla of 1308 Timber Ridge Drive expressed dismay that another
106 lawsuit has been filed regarding Scott Svab, this latest suit by Svab himself. In Mr. Pla's opinion Mr.
107 Svab's termination is governed by Sections 6.02 and 6.09 of the Charter which are very clear. Mr. Svab
108 has not resigned from his position of director of finance and twice Council has rejected the Mayor's
109 attempt to remove Mr. Svab. At no time therefore has any section of 6.02 and 6.09 been satisfied.
110 Moreover there are no grounds, no is mechanism for which a mandamus action applies. And yet the law
111 director filed a mandamus action against three members of Council. Mr. Pla opined Mr. Diemert and his
112 law firm should not be paid because of the conflict of interest as most of the allegations in this matter are
113 directed to criminal investigation Mr. Diemert started and to allegations and advice Mr. Diemert gave city
114 officials and employees. Lastly Mr. Pla opined it is not unrealistic to request itemized billing as has been
115 requested of Mr. Diemert because Council is responsible for how tax dollars are spent.

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116 Regarding another topic, Joseph Migliorini of 1182 Mig Court, former mayor of Macedonia and current
117 mayoral candidate announced that he is not in violation of any state law governing driver licenses as
118 detractors, Misses Darrow and Hanneken and Mr. Miller had hoped. Mr. Miller continues to refuse to
119 answer why he brought this otherwise unsuccessful action Mr. Migliorini added. Mr. Migliorini thanked
120 Mayor Kuchta for continuing the residential mediation program Mr. Migliorini instituted when he was
121 Mayor. Mr. Migliorini mentioned he reached out to Prosecutor Sevryn regarding two Shepard Road
122 neighbors who are not agreeing in the hope that their conflict gets resolved before their matter gets out of
123 hand. Regarding the current campaign, Mr. Migliorini informed Misses Darrow and Hanneken
124 statements they are making or posting about Mr. Migliorini are untrue and for this reason will be seeking
125 legal. An affidavit from the resident about the reckless and false statements Ms. Darrow made is
126 forthcoming Migliorini said. Mr. Migliorini continued by stating Ms. Hanneken published information
127 on her website/Facebook that borders on defamation regarding an issue during Mr. Migliorini tenure as
128 mayor pertaining to his subdivision and an accusation that Mr. Migliorini left Macedonia under a veil of
129 corruption. At the request of the County Executive Mr. Migliorini said he resigned as mayor in 2001 to
130 become the Director of Development for the entire county. Why would the County Executive have done
131 that if there were true he asked Ms Hanneken?

132
133 Ms. Hanneken questioned Mr. Migliorini why he's visiting the homes where her signs are posted and
134 asking the residents why they have her signs in their yards.

135

136 **PENDING &/OR NEW LEGISLATION**

137

138 **ORD. NO. 52-2015**

139 Ms. Tulley moved, Mr. Molnar seconded for ORD. NO. 52-2015 AN ORDINANCE AMENDING
140 SECTION 375.03 OF THE CODIFIED ORDINANCES RELATING TO SNOWMOBILES, OFF-
141 HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES **to remain at second reading**
142 [First Rdg: 5/14/15; Second Rdg: 5/27/15, 6/11/15; 7/9/15; 8/13/15, 8/27/15, 9/10/15; Public Hearings;
143 6/11/15 & 9/10/15. Second public hearing on revisions]

144

145 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
146 Nays: None.
147 The motion passed.

148

149 Relative to ORD. NO. 52-2015, Councilor Tulley explained it continues to be reviewed and for that
150 reason no action is being taken at this time.. Ms. Tulley added while she is named as sponsor of this
151 legislation she in fact did not request that it be drafted, she did not the author or originator of it.
152 Sponsorship of Ord. No. 52-2015 was assigned to Ms. Tulley by Council President Darrow.

153

154 **ORD. NO. 97 – 2015**

155 Mr. Engle moved, Mr. Molnar seconded for ORD. NO. 97-2015: AN ORDINANCE COMPLETELY
156 REPEALING EXISTING ORDINANCE SECTION 1171.19 OF CODIFIED ORDINANCES
157 "DONATION BOXES PROHIBITED" AND ADOPTING NEW ORDINANCE 1171.19 WHICH
158 REGULATES DONATION BOXES AND CREATES A PERMITTING PROCESS **to remain at its**
159 **second reading.** [First reading:8/13/15; Second reading; 8-27-15, 9/10/15]

160

161 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley
162 Nays: None.
163 The motion passed.

164

165 Relative to ORD. NO. 97-2015, Councilor Engle explained this legislation too remains at its second
166 reading in wait of additional adjustments and revisions to the current language.

167

168 **ORD. NO. 99 – 2015**

169 AN ORDINANCE PROVIDING FOR A SENIOR SNOW REMOVAL PROGRAM FOR THE 2015-
170 2016 WINTER SEASON was offered by Ms. Darrow for its **third reading by title only.** Second not
171 required.

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175 Ms. Darrow moved Ms. Tulley seconded to **adopt ORD. NO. 99-2015** and post same according to law.

176

177

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

178

Nays: None.

179

The motion passed. **ORD.NO. 99-2015 declared adopted**

180

181 Relative to ORD. NO. 99-2015, Councilor Molnar stated as an elected official, as a member of
182 community he feels compelled to provide basic services to senior citizens who struggle financially. On a
183 personal note Mr. Molnar recalled five-years ago when his grandfather, who lived alone in another
184 community and who could not afford to pay for snow removal service, slipped and froze to death. That
185 vision Mr. Molnar stated is constant

186

187 Ms. Tulley interjected that providing benefits to seniors still living in their homes should not be
188 considered giving them a “free-ride” because these citizens continue to pay property tax. And, Ms.
189 Tulley added that seniors also continue to pay income tax on their pensions, their earnings. Ms. Tulley
190 suggested that perhaps all seniors should receive this benefit. The City of Independence for example
191 provides its seniors age 60 and older snow removal service for an annual fee per household of \$25 per
192 winter season.

193

194 **ORD. NO. 114– 2015**

195 AN ORDINANCE APPROPRIATING A TRANSFER FROM GENERAL FUNDS TO LAW
196 DEPARTMENT TO MEET THE OBLICATIONS FOR THE BALANCE OF 2015 was **offered** by Ms.
197 Hanneken and moved Council waive the requirement that it be read by title on three different days,
198 instructing the Clerk to read it by **title only for its second and third readings**. Second by Ms. Darrow.

199

200

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

201

Nays: None.

202

The motion passed.

203

204 Ms. Hanneken moved, Ms. Darrow moved to **amend ORD. NO. 114-2015 by deleting the entire \$6,000**
205 **transfer from the unencumbered General Fund to Account 101.150.5340 entitled Retainer and**
206 **reducing the \$50,000 to \$15,000 from unencumbered General Fund to Account 101.150.5345**
207 **entitled Litigation.**

208

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar

209

Nays: Tulley.

210

The motion passed

211

212 Ms. Hanneken moved Mr. Engle seconded to **adopt ORD. NO. 114-2015, as amended** and post same
213 according to law.

214

Roll call: Ayes: Darrow, Engle, Hanneken and Molnar

215

Nays: Tulley.

216

The motion passed. **ORD.NO. 114-2015 declared adopted as**
217 **amended.**

218

219 Relative ORD. NO. 114-2015, Councilor Tulley complained as she has previously that this type of budget
220 hog ties city business. The retainer line item is already at 72% and the litigation is at 96.8% and has been
221 since August. How does the city get through the remainder of the year she asked other than requesting
222 more money at every meeting, which in Ms. Tulley opinion is a result of a poor budgeting plan.

223

224 **RES. NO. 118 – 2015**

225 A RESOLUTION CONFIRMING THE APPOINTMENT OF JIM PREDOVIC TO THE PLANNING
226 COMMISSION TO FILL A RECENT VACANCY OF A TERM ENDING JULY 3, 2020 was **offered**
227 by Mr. Engle for its **first reading by title only**. Second not required.

228

229 **ORD. NO. 119 – 2015**

230 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE
231 BARGAINING AMENDMENT/ADDENDUM WITH THE COLLECTIVE BARGAINING UNITS OF
232 THE CITY OF MACEDONIA TO BE EFFECTIVE JANUARY 1, 2016 was **offered** by Ms. Hanneken
233 for its **first reading by title only**. Second not required.

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234 **ORD. NO. 120– 2015**

235 AN ORDINANCE AUTHORIZING A TRANSFER OF FUNDS FROM GENERAL FUNDS TO
236 ACCOUNT 250.250.5342 FOR THE PAYMENT OF 2015 AUGUST T.I.F. SETTLEMENT was **offered**
237 by Mr. Molnar and moved Council waive the requirement that it be read by title on three different days,
238 instructing the Clerk to read it by **title only for all three readings**. Second by Ms. Tulley.

239

240 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

241 Nays: None.

242 The motion passed.

243

244 Mr. Molnar moved Ms. Tulley seconded to **adopt ORD. NO. 120-2015** and post same according to law.

245

246 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

247 Nays: None.

248 The motion passed. **ORD.NO. 120-2015 declared adopted**

249

249 **ORD. NO. 121 – 2015**

250 AN ORDINANCE APPROPRIATING A TRANSFER OF FUNDS FROM GENERAL FUNDS TO
251 SERVICE DEPARTMENT ACCOUNTS FOR SERVICE WORKERS OVERTIME FOR UPCOMING
252 LEAF COLLECTION SEASON was **offered** by Ms. Darrow and moved Council waive the requirement
253 that it be read by title on three different days, instructing the Clerk to read it by **title only for all three**
254 **readings**. Second by Ms. Tulley.

255

256 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

257 Nays: None.

258 The motion passed.

259

260 Ms. Darrow moved Ms. Tulley seconded to **adopt ORD. NO. 121-2015** and post same according to law.

261

262 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

263 Nays: None.

264 The motion passed. **ORD.NO. 121-2015 declared adopted**

265

265 **ORD. NO. 122 – 2015**

266 TRANSFER OF FUNDS FROM GENERAL FUNDS TO SERVICE DEPARTMENT FOR THE
267 PURCHASE OF ROAD MATERIALS FOR POT HOLE REPAIRS FOR THE REMAINDER OF 2015
268 was **offered** by Ms. Tulley and moved Council waive the requirement that it be read by title on three
269 different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Engle.

270

271 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

272 Nays: None.

273 The motion passed.

274

275 Ms. Tulley moved Mr. Molnar seconded to **adopt ORD. NO. 122-2015** and post same according to law.

276

277 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

278 Nays: None.

279 The motion passed. **ORD.NO. 122-2015 declared adopted.**

280

281 Relative to ORD. NO. 122-2015, Councilor Tulley stated this request is another example of how a line
282 item budget is cumbersome and ineffective. This particular line item is at 97% and it is only September.
283 The \$3,000 requested for the remainder of the year in her opinion is not enough and in all probability the
284 line item will have to be revisited.

285

286 **ORD. NO. 123 – 2015** AN ORDINANCE AUTHORIZING A TRANSFER OF FUNDS FROM
287 GENERAL FUNDS TO ACCOUNT 101.120.5575 FOR CITY COMPUTER MAINTENANCE was
288 **offered** by Mr. Molnar and moved Council waive the requirement that it be read by title on three different
289 days, instructing the Clerk to read it by **title only for all three readings**. Second by Ms. Tulley.

290

291 Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

292 Nays: None.

293 The motion passed.

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294 Mr. Molnar moved Ms. Tulley seconded to **adopt ORD. NO. 123-2015** and post same according to law.

295

296

Roll call: Ayes: Darrow, Engle, Hanneken, Molnar and Tulley

297

Nays: None.

298

The motion passed. **ORD.NO. 123-2015 declared adopted**

299

300 **MOTIONS OR OTHER LEGISLATIVE ACTIONS** (See Executive Session)

301

302 **CORRESPONDENCE:** None

303

304 **MAYOR'S REPORT:** [Imported from Word document]

305

306

“Next week will be the first week of the fall season and there will be orange leaves on some trees and more orange barrels on our streets. This coming week we will see the southbound ramp from Interstate 271 to Route 82 close. We will also see Ledge Road close for the Railroad to rehab Ledge Road Bridge. We are waiting for the Army Corps of Engineers and Summit County DOES to give the go ahead for us to fix Shepard Hills Blvd/Sioux culvert. It seems like such a simple fix, but because of the sewer pipes located there, and the fact that there is a stream involved, we are at the mercy of huge bureaucracies. Our Engineers keep on it and they anticipate an OK any day to proceed. Next...the ramp to get on to 271 North should be opening October 12.

315

316

Remember that these are ODOT not City projects. The City gets the ball rolling by getting funding and Engineering, and then to actually do the job, ODOT takes control. If you have any questions or concerns the ODOT information number to call is 330-786-2209. Remember that eventually; just as where there was orange on the trees, green will appear. By having pristine infra-structure in Macedonia we are mimicking that. Your property values will increase and more businesses will come to fund your City services. Remember that the Cities biggest source of revenue is from the people who work here, and the City Income Tax they pay. Green will come indeed following the completion of all of these projects in 2016.”

325

326

Councilor Hanneken asked Mayor Kuchta the procedure relative to notifying businesses owners/property owners regarding the onset and progress of the major projects to which the Mayor explained that unfortunately the City has no control. Notification is and under the jurisdiction of and strictly controlled by ODOT. Mayor Kuchta knows firsthand he said about the lack of information from when he owned a business during first phase of the widening of Route 82.

331

332 **COMMITTEE REPORTS**

333

Park and Recreation Commission Councilor Tulley announced that the P&RC is meeting September 30 at 7pm, on the second floor of the Recreation Center. The public is always welcome, input encouraged.

335

336

337 **DEPARTMENT REPORTS**

338

339

Service Department Acting Service Director Hnottavange announced that the leaf collection program is scheduled to begin October 19. An illustration of how leaves should be arranged for removal will be in the October edition of the *eMessenger*. Mr. Hnottavange reported that the service crew of only 14 employees continues to perform stormwater infrastructure repairs; catch basins, crossovers and ditch redefinitions. Mr. Hnottavange also reported Macedonia's only two mechanics continue to repair service, parks and police department's vehicles and equipment. Regarding the parks, Mr. Hnottavange reported the gazebo at the Veterans Memorial Park is complete. There is lighting on the gazebo which will change in color depending on the season or event and will change in support of Nordonia's sports teams. The renovated gazebo also includes a plaque in recognition of Colonel E. Peck, the benefactor of the gazebo and property for the park. Mr. Hnottavange reported the concrete work at Sugarbush is also complete. The concrete work includes the addition of handicap parking and walkway in the direction of the pavilion and area of the playground. The remaining driveway will be included in next year's budget Mr. Hnottavange added. The Safety Forces Memorial Park at Park Avenue and Aurora Road is under construction. Scrubs along one edge of the park have been installed. The park will include a pervious

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353 concrete walkway which will encase the future the future rain garden. Funding for the park was made
354 possible through an ODNR grant Mr. Hnottavange added.

355

356 **Building Commissioner** Mr. Hlad was not present.

357

358 **Engineer** Mr. Fini was not present

359

360 **Recreation Department** Ms. Manley reported the Recreation Center reopened this week after being
361 closed for annual maintenance and repair. This year capital money paid for what was done: new
362 carpeting, fresh paint, stripped and waxed floors, new cardio equipment, pool cleaning and filter
363 reconditioning as well the steam room being totally gutted, floor to ceiling. Ms. Manley also reported
364 that registration is open for the Annual Christmas Holiday craft show that will be held November 14 at
365 Lee Eaton School from 9am-2pm. Ms. Manley mentioned that the P&RC and Recreation department are
366 creating a comprehensive community survey to help determine from residents and patrons their
367 expectations regarding the future of the Recreation Center and the parks program. Will there be a
368 willingness to continue the income tax specific to recreation funding that is due to expire in 2017 Ms.
369 Manley questioned?. The survey will help learn if they are she added.

370

371 Councilor Hanneken asked Ms. Manley how the new marketing coordinator is doing to which Ms.
372 Manley answered very well.

373

374 Councilor Tulley interjected that Ms. Crosby has been welcomed addition to the department.

375

376 **Finance Department**

377

378 **Fire Department** Chief Black was not present

379

380 **Police Department** Chief Golden reminded residents to keep leaves out of the roadway. In wet
381 conditions they created hazardous driving conditions.

382

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

384

385 **Unfinished business** None

386

387 **New business** Councilor Tulley commended on the departments of fire and police regarding the tragic
388 event that occurred yesterday involving a toddler who died after being left in a vehicle in the parking lot
389 at Wal-Mart. Loss of a life is always sobering, tragic loss of life such as a young life and the events of
390 this death even more so Ms. Tulley stated. Ms. Tulley commended Lt. Yakovich on his interview with
391 the media which she described as professional, yet compassionate and all who responded.

392

393 Regarding another matter, Councilor Hanneken, in response to Mr. Bilkie's earlier comment about the
394 Blackburn MOP, stated Mr. Blackburn was treated with the outmost respect. Council visited his business
395 location as well as the facility he was proposing to move operations; both properties already owned by
396 him. The occupancy grant Mr. Blackburn requested was \$132,000 for six-years for adding just four to
397 five new jobs. Mr. Blackburn's request was not consistent the MOP legislation and in her opinion would
398 have drained Macedonia's treasury. Denying Mr. Blackburn's original request was not about Mr.
399 Blackburn who Ms. Hanneken described as intelligent fine person. It was denied in the best interest of
400 Macedonia. The MOP legislation was modified to be consistent with the number of new jobs being
401 added. Relative to a different topic Ms. Hanneken stated that remarks about Council not working well
402 together are untrue. Over the last two years Council has consistently agreed 92% of the time. There are
403 times when Council does not agree and that is just life she added. Pertaining to the law department Ms.
404 Hanneken explained it has filed a Writ of Mandamus; that is it has sued three members of Council in an
405 attempt to force each to change their vote relative to the removal of the finance director. Ms. Hanneken
406 stated on September 14th Judge Tammy O'Brien ruled on the accelerated Writ of Mandamus filed by Mr.
407 Diemert. In part, Ms. Hanneken read, ".....Relator has failed to establish that it has a clear legal right to
408 the request relief; that the Defendant council members have a clear legal duty to affirm the removal of
409 Defendant Svab from his Director of Finance position.....". (Full text of Order on file). This Order Ms.
410 Hanneken continue cost Macedonia's taxpayers \$5,000.

411

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412 **EXECUTIVE SESSION**

413

414 **At 9pm Ms. Darrow moved, Mr. Engle seconded to adjourn into an Executive Session for the**
415 **purpose of discussing pending litigation.**

416

417 **Roll call: Ayes: Darrow, Engle, Hanneken and Tulley**

418

Nays: Molnar

419

The motion passed.

420

421 **At 9:35pm Council reconvened into its regular meeting and there being no further business adjourned at**
422 **9:36 (Roll call taken)**