

Record of Proceedings
Regular Council Meeting
January 28, 2016

Presiding Officer, Mayor Joseph Migliorini called the January 28 regular meeting to order at 7:32pm.

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

Absent:

PLEDGE OF ALLEGIANCE & INVOCATION led by Quarter Master Dan Davis of Nordonia VFW Post 6768

MINUTES Mr. Molnar moved, Mr. Engle seconded, and motion carried unanimously on a voice vote to approve the minutes of special meeting of January 4, 2016 and regular meeting of January 14, 2016.

PUBLIC COMMENTS

~**Karen Bartolozzi, 1377 Driftwood Lane** questioned if improvements to the intersection of Shepard Road and Route 82 include a turning lane. Ms. Bartolozzi questioned also why cold patch around the construction area does not hold.

Mayor Migliorini informed Ms. Bartolozzi that a turn lane was not included which he too questioned and is proposing that one be added because one should have been and because the project isn't finish there is time to add one. The lane may increase the overall cost of the project in which case additional funds will have to be allocated. However it is also possible funds already appropriated for the project will cover the additional expense. Concerning cold patch Mayor Migliorini explained it just not effective this time of year because of the constant change in temperature. Hot patch unfortunately is not available because asphalts plants are closed for the season.

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

RES. NO. 164- 2015 [S. Hanneken]

A RESOLUTION REQUESTING AN INDEPENDENT AUDIT OF THE CITY OF MACEDONIA CONFORMANCE WITH ESTABLISHED PURCHASING CONTROLS AND PROPER PUBLIC PURPOSE EXPENDITURE REQUIREMENTS was offered by Ms. Hanneken for its **third reading** by **title only**. Second not required.

Ms. Hanneken moved, Mr. Engle seconded to adopt **RES. NO. 164- 2015** and post same according to law.

Roll call: Ayes: Engle and Hanneken
Nays: Bilkie, Molnar and Tulley
The motion to adopt failed.

Regarding RES. NO. 164-2015 Mayor Migliorini explained that the audit of 2015 recommended better control of the use of credit cards especially regarding receipts. But the City was not cited for any wrong doing in this regard. Mayor Migliorini reviewed every credit charge transaction that was made by each department for years 2014 and 2015. Mayor Migliorini found no flagrant abuse except for credit charges made by Scott Svab for fishing equipment. All that equipment Mayor Migliorini added has since been retrieved. Mayor Migliorini is of the opinion therefore that this audit is an expensive unnecessary expense.

Councilor Hanneken stated credit card use has been a problem in Macedonia for more than several years. For this reason and since Mayor Migliorini will not provide a report of his findings about the credit cards Ms. Hanneken prefers that a special audit be conducted.

Mayor Migliorini told Ms. Hanneken that he said he would not provide the information he reviewed to which dialogue of an agreeable nature occurred between Mayor Migliorini and Ms. Hanneken.

Ms. Hanneken expressed her opinion again that a special audit is necessary because of historical misuse, and if the audit is not done now than it should be within this year's annual audit. Ms. Hanneken reiterated what happened should be documented and those who misused the cards should be held financially accountable.

Councilor Tulley explained as former finance chair and member of the audit committee that the annual audit identifies procedures that have been incorrectly administered. Auditors comment several ways in audit reports. Incorrectly administered procedures like code violations are citations. Citations are serious matters. Other comments those of a less serious nature are provided in the form of recommendations. There were nine recommendations in the 2014 audit not just the recommendation for better credit card

Record of Proceedings
Regular Council Meeting
January 28, 2016

controls Ms. Tulley stated. The new mayor, the new finance director and perhaps the HR administrator and the other directors are prepared to make the necessary corrections including but limited to enhancing, changing or reinforcing current procedures. Going forward Ms. Tulley explained the subsequent audit looks to see if audit comments from the previous year have been rectified. It is illogical Ms. Tulley opined that additional money be spent for an extra audit when new members of the administration are prepared to rectified procedures not followed properly.

Council President Molnar echoed Ms. Tulley comments. Mr. Molnar added Mayor Migliorini informed Council that he has reviewed the issue and implemented corrective procedure and therefore there is no need to spend more public dollars on an additional audit.

Councilor Bilkie interjected that credit card use represented less than 1% of the total budget. The former finance director was present in 2014 so he could have curtailed some of the credit card expenses. Mr. Bilkie said the new regimen, the new administrators; the mayor and the finance and service directors are prepared to follow the correct procedure. Mr. Bilkie said a special audit is just throwing good money after bad.

Mayor Migliorini reiterated a large dollar amount is not the issue. The issue is procedure was not followed which he has since reinforced with every director.

Councilor Hanneken opined credit card use is the most easily abused area of government spending. Macedonia has received repeated recommendations to tighten controls in this regard. Concerning the recent audit Council does not know in any formal sense the level of abuse because Council has not seen documentation of the purchases. Ms. Hanneken continued to opine that a specific audit would determine how these processes were ignored and the employees who should be responsible for reimbursing Macedonia. Ms. Hanneken opined the general use of credit card should be restricted in Macedonia. Credit cards use in the school system is limited to superintendent and the school treasurer she added.

RES. NO. 3- 2016

A RESOLUTION CONFIRMING THE APPOINTMENT OF MARK GUIDETTI AS THE DIRECTOR OF LAW AND THOMAS HANCULAK AS THE ASSISTANT DIRECTOR OF LAW, AND PROVIDING FOR COMPENSATION AND SUPPORT SERVICES was **offered** by Ms. Tulley for its **second reading by title only**. Second not required.

ORD. NO. 6 - 2016

AN ORDINANCE APPROPRIATING A FUND TRANSFER FROM GENERAL FUNDS TO NEW LINE ITEM 101.150.5346 TO MEET UNPAID OBLIGATIONS FROM 2015 was **offered** by Ms. Hanneken for its **second reading by title only**. Second not required.

Mr. Molnar moved, Ms. Tulley seconded to amend ORD. NO. 6-2016 to conform to Version 2 introduced this evening January 28, 2016. Motion carried unanimously on voice vote, Mr. Engle descending.

ORD. NO. 7- 2016

AN EMERGENCY ORDINANCE ESTABLISHING COMPENSATION SCHEDULE FOR THE NON-UNION CITY EMPLOYEES OF MACEDONIA EFFECTIVE JANUARY 1, 2016 was **offered** by Ms. Hanneken for its **second reading by title only**. Second not required.

ORD. NO. 8- 2016

AN ORDINANCE REPEALING ORDINANCE NO. 3-2012 MAKING MEMBERS ELECTED TO COUNCIL ELIGIBLE TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN was **offered** by Ms. Tulley for its **second reading by title only**. Second not required.

ORD. NO. 9- 2016 AN ORDINANCE REPEALING CITY ELECTED OFFICIAL'S ELIGIBILITY TO RECEIVE RECREATION FEE DISCOUNTS TO MACEDONIA FAMILY RECREATION CENTER was **offered** by Ms. Tulley for its **second reading by title only**. Second not required.

RES. NO. 10 2016

A RESOLUTION REQUIRING THE CITY OF MACEDONIA TO PARTICIPATE IN OHIO CHECKBOOK.COM was **offered** by Ms. Hanneken for its **second reading**. Second not required.

ORD. NO. 13 – 2016

AN ORDINANCE APPROPRIATING A FUND TRANSFER FROM THE CAPITAL FUND TO LINE ITEM 401.401.5612 TO MEET AN UNPAID 2015 OBLIGATION TO GPD GROUP 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.

Roll call **Ayes: Bilkie, Molnar and Tulley**
Nays: Engle and Hanneken
Motion to suspend rules failed.

Ms. Tulley amended her motion offering ORD. NO. 13-2016 for its first reading by title only. Second not required.

Regarding ORD. NO. 13-2016, Ms. Tulley expressed frustration for lacking of willingness to pay \$4700 outstanding bill to GPD engineering for services rendered

Councilor Hanneken disagreed. Funds were appropriated in 2015 to 401 so it's important to verify this expense which Ms. Hanneken added she'll do when December 2015 monthly report is closed.

ORD. NO. 14- 2016

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES IN ORDER TO MANDATE AN APPROVED SECURITY ACTION PLAN FOR BIG BOX RETAIL BUSINESSES THAT ARE DESIGNATED AS RETAIL SECURITY ISSUE LOCATIONS was **offered** by Mr. Bilkie for its **first reading by title only**. Second not required.

Regarding ORD.NO. 14-2016 Mayor Migliorini stated that it is intended for large box retailers who continually experience security issues and thefts; those large retailers for which Macedonia's police department must respond to often. Explaining further Mayor Migliorini stated that the ordinance would require large retailers to employ armed security with powers of arrest. Mayor Migliorini stated the primary message of this ordinance is to savvy characters, thieves who take advantage in Macedonia. This administration wants these types of individuals to know that they should not come to Macedonia. This administration wants Macedonia residents to feel safe in their own community and the administration wants visitors to Macedonia to feel safe as well.

Councilor Hanneken questioned whether the ordinance would pertain to the large retailers located within the JEDD to which Mayor Migliorini answered it would not but Northfield Center trustees are considering adopting the same legislation.

A discussion ensued regarding the type of retailers described in the ordinance, the reasoning behind the proposal, and effectiveness of proposal, the reasonableness of the proposal and the probability that the proposed ordinance will be probably be defined and/or refined further.

MOTIONS/ OTHER LEGISLATIVE ACTION

- Ms. Tulley moved, Mr. Molnar seconded and motion carried unanimously on a voice vote to confirm Mayor Migliorini's appointments of Councilmen Nick Molnar and Kevin Bilkie to the JEDD Board of Directors pursuant to the JEDD Contract.
- Mr. Molnar moved, Ms. Tulley seconded requiring all legislation proposed by members of City Council to be reviewed by the law department for a period of no longer than two-weeks prior to introduction to Council.

Roll call: Ayes: Bilkie, Engle, Molnar and Tulley
Nays: Hanneken
The motion carried

Relative to Mr. Molnar's motion and prior to roll call the following discussion ensued in which Ms. Hanneken stated Mr. Molnar's motion is aimed at her. Mrs. Hanneken said the law department in not precluded from reviewing any legislation and there is nothing to preclude members of Council from introducing legislation. The Charter is clear on the latter she added.

Mr. Molnar assured Ms. Hanneken his motion is meant to be proactive, to insure documents prepared outside the supervision of the law department are correctly written in order so as to avoid potential legal issues.

Ms. Tulley interjected that a recent article addressed this very topic, that a misplaced comma could change phraseology and thus intent whereby unknowingly exposing the document to legal ramifications. Ms. Tulley opined legislation written outside the supervision of the law department should be proof read, to be legally sound before being introduced to Council.

Record of Proceedings
Regular Council Meeting
January 28, 2016

Ms. Hanneken opined she favors the three-reading rule whereby legislation is read on three separate occasions. That being the case the three-reading rule insures ample time to review if there are errors she added

Mr. Molnar told Ms. Hanneken she wrote and introduced Ord. No. 164-2015 in the ninth hour expecting the ordinance would be approved that last meeting of the year. That action is in total contradiction to what Ms. Hanneken had just stated.

Councilor Engle interjected that he does not oppose legislation first being reviewed by the law department. However he does not want the legislation to find its way to legislation limbo during the review process and therefore asked Mr. Molnar to include within his motion that the law department's period for review should not exceed longer than several weeks. See Mr. Molnar's motion.

CORRESPONDENCE: None.

MAYOR'S REPORT: None

COMMITTEE REPORTS:

Parks & Recreation Commission Councilor Bilkie reported the Commission met for brief review.

Cemetery Board of Directors Councilor Tulley reported the Board met and discussed the 2016 budget which will be presented to the entire Board of community members during their annual May meeting. Ms. Tulley also reported that lot fees are increasing and an endowment fee has been created to help defray some of the cost of each community's assessment. Repairing or replacing the fence is being put on hold until other alternatives are investigated Ms. Tulley added.

Mayor Migliorini questioned how many cemetery lots remain to which Ms. Tulley stated about 600. There was talk several years ago about purchasing additional land Ms. Tulley stated but there was cost and logistic issues. The house and property to the west of the cemetery were not for sale at the time this discussion was had and the land to the east of the cemetery across Olde 8 is not easily accessible.

Finance Committee Ms. Tulley reported she met with Mayor Migliorini and Ms. Hall for a high level blurb of the Mayor's 2016 budget. Ms. Tulley announced the following finance meeting schedule to review the budget: February 8 & 29 and March 7, the latter date only if necessary and all at 6pm. The first finance meeting will encapsulate 2015 finances and projected income for 2016. The focus of the February 29 meeting will be capital improvements in the immediate and over the next several years. The 2016 budget will have its first reading February 8, second reading on February 25 and third on March 10th.

Civil Service Commission On behalf of the Commission, Clerk Arceci and secretary to the Commission announced that a civil service exam for the position of entry level police officer was ordered and will be administered on Wednesday, March 16, 2016. The full text of the notice can be read online in its entirety at www.macedonia.oh.us

DEPARTMENT REPORTS

Service Department Director Hnottavange reported there were two water main breaks this week at Laurel and also at Broadmoor in the Highland Homes subdivision and that the service department continues to cold patch when weather permits. Mr. Hnottavange reminded residents reminded to report out-of-order street lights to the service department.

Building Commissioner Commissioner Hlad reported that earth work, grading and footers are underway relative the skilled nursing facility on Valley View Road known as The Avenue. Mr. Hlad also reported that transition between GPD engineering and Chagrin Valley Engineers continues and that the Hallmark card and gift store opened this week in Macedonia Commons.

Engineer Mr. Don Sheehy reported that he and fellow engineer Joe Gillotti continue to meet with Nick Fini of GPD and Mr. Hlad concerning current projects. Mr. Sheehy said CVE reviewed the paper copy of the Ledge Bedford Roads Drainage Study prepared by GPD, adding that it is a sound study; it documents the current problem very well. Ms. Sheehy stated however that he has several questions about GPD's assumptions. GPD's study offered several expensive alternatives. Mr. Sheehy's opinion is there may be less costly and perhaps more beneficial solutions. Mr. Sheehy added there is no single right or quick fix because the effected area is comprised of 1400 hundred acres.

Record of Proceedings
Regular Council Meeting
January 28, 2016

Mayor Migliorini interjected that preliminary suggestion by CVE is to throttle down storm water from two locations upstream. This approach would require retention/detention areas in several locations. NEORSD has been contacted regarding this area Mayor Migliorini added.

Councilor Molnar asked for a summation of the GPD study for Council.

Mayor Migliorini interjected CVE does not have the release of information yet from GPD. That is the raw data from GPD has not been approved to be downloaded to CVE and therefore until the release is received the information cannot be disseminated.

Recreation Department Ms. Manley reported the community survey concerning the future needs and wants for Macedonia's parks and the Recreation Center is still available on the Rec Center's Facebook page at www.macrec.com as well www.macedonia.oh.us. Ms. Manley reminded residents' 65-years or older to review their insurance plans for eligibility to the Silver Sneakers or Silver & Fit programs. Each program pays membership cost for those within this age group Ms. Manley stated. Ms. Manley announced there are numerous upcoming spring events and programs viewable at on Facebook www.macrec.com.

Finance Department Director Rhonda Hall reported she has been meeting with the Mayor and department heads in preparation of the 2016 budget.

Fire Department Chief Black reported that has been numerous home fires in surrounding communities because of the use of alternative heat sources on severely cold days.

Police Department Chief Golden had no report.

Law Department Mr. Guidetti reported Macedonia received a notice from the Ohio Department of Liquor Control advising that Fun N Stuff has applied for a D-5 liquor permit. Mr. Guidetti explained that the legislative authority has the right to request a hearing on the advisability of this permit. The hearing would be held in Columbus or Akron, the County seat, whichever the City prefers. The deadline to request a hearing is February 8th. Mr. Guidetti recommends however that a 30-day extension be requested to provide more time to make a determination. The request must be generated by the clerk of Council in accordance with ODL requirements Mr. Guidetti explained. There is further or formal councilmatic action that is required he added.

Unfinished business None.

New business Councilor Bilkie reported there have some issues with coyotes in Macedonia. What Mr. Bilkie thought was limited to a neighborhood incident is more widespread. A safety warning has even been issued by Summit County. Mr. Bilkie spoke with Nick Kostandaras, a member of Summit County Council about the issue as well as with Geoffrey Westerfield of the Ohio Division of Wildlife / ODNR. Mr. Westerfield will be providing information specific to coyotes in northeast Ohio in order to understand management of coyotes.. For the most part Mr. Bilkie stated coyotes are skittish of people and other animals but there are cases, like the incident that occurred in the Thousand Oaks subdivision.

Councilor Tulley interjected that a coyote lived under her house deck from some time. The coyote co-existed with their family cat and never bothered with the neighbor's dog.

Regarding another matter, Council President Molnar announced going forward that work sessions prior to a regularly scheduled council meeting will start at 7:15pm. Mr. Molnar stated 3rd party recordings of the previous work session were a distraction and feels dialogue/conversations about issues should occur in Chambers. If a situation warrants more time will be allocated Mr. Molnar added.

EXECUTIVE SESSION

At 8:35pm Mr. Molnar moved, Mr. Bilkie seconded to adjourn into Executive Session for the purpose of discussing pending litigation excluding the Farnhurst/Pla case and the City vs. Engle et al

**Roll call: Ayes: Bilkie, Engle, Hanneken, Molnar and Tulley
Nays: None
The motion carried.**

At 9:10pm Council reconvened into its regular meeting and there being no further business the meeting was adjourned at 9:11pm